

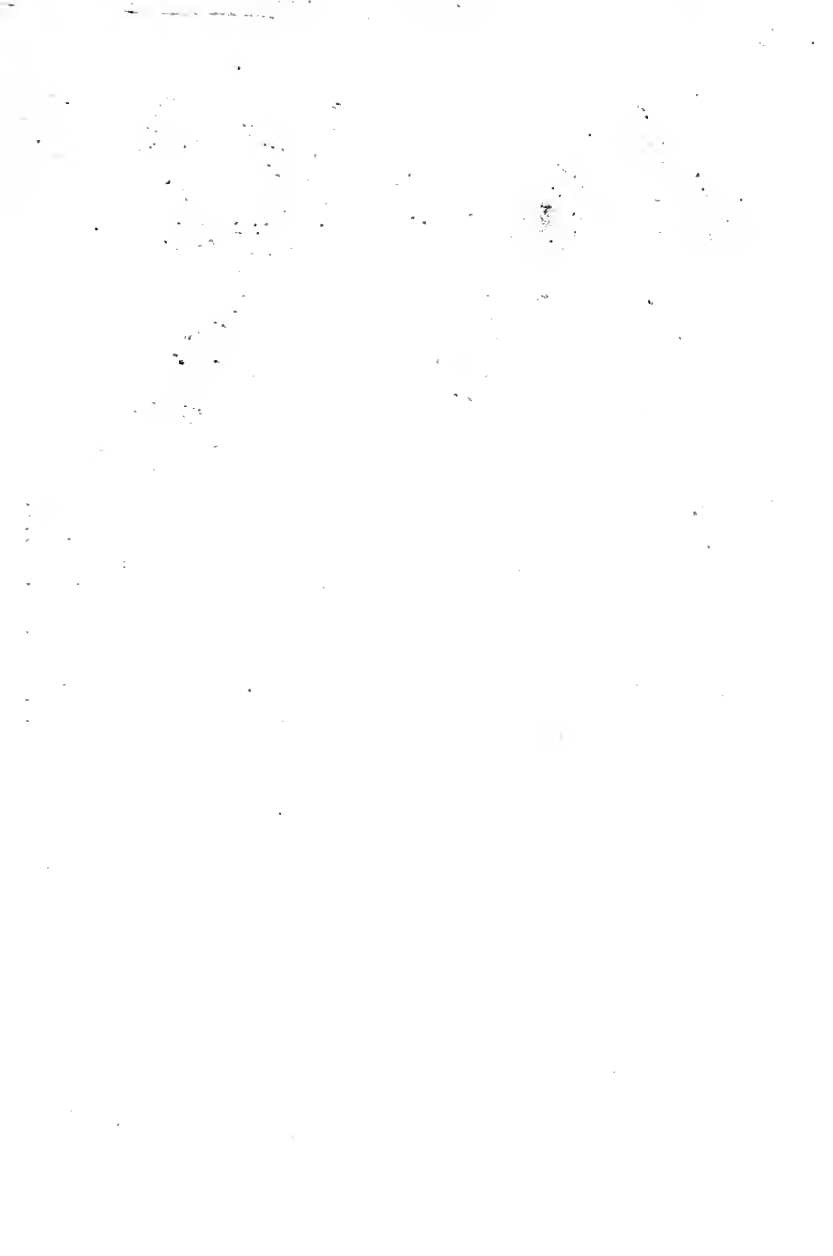


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JOURNAL  
OF THE  
SENATE OF INDIANA,

DURING THE  
THIRTY-NINTH SESSION

OF THE  
GENERAL ASSEMBLY,

COMMENCING THURSDAY, JANUARY 8, 1857.

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INDIANAPOLIS:  
JOSEPH J. BINGHAM, STATE PRINTER.  
1857.





# JOURNAL

## OF THE

# SENATE OF INDIANA.

*The thirty-ninth session of the General Assembly of the State of Indiana, begun and held at the Capitol, in the City of Indianapolis, on Thursday, the 8th day of January, in the year of our Lord one thousand eight hundred and fifty-seven.*

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Solon Turman, Principal Secretary of the Senate, directed a call of the Senators whose offices had not become vacated since the last session of the General Assembly: Whereupon the following Senators responded to their names, and took their seats, viz:

- Green - Allen - ...*
- From the Counties of Adams and Allen.*—Samuel L. Rugg.
  - From the Counties of Brown and Monroe*—W. C. Tarkington.
  - From the County of Clark.*—Leroy Woods.
  - From the County of Dearborn.*—Richard D. Slater.
  - From the County of Franklin.*—A. R. McCleary.
  - From the County of Harrison.*—John Mathes.
  - From the County of Lawrence.*—A. J. Hostetler.
  - From the Counties of Orange and Crawford.*—William Mansfield.
  - From the Counties of Perry, Spencer and Warrick.*—W. B. Richardson.
  - From the Counties of Posey and Vanderburgh.*—C. K. Drew.
  - From the County of Shelby.*—George W. Brown.

*From the Counties of Carroll and Clinton.*—James F. Suit.  
*From the County of Floyd.*—David Crane.  
*From the Counties of Huntington and Wells.*—G. W. Chapman.  
*From the County of Jefferson.*—John R. Cravens.  
*From the Counties of Knox, Daviess, and Martin.*—J. T. Free-  
 land.  
*From the Counties of Miami and Wabash.*—Daniel R. Bearss.  
*From the County of Morgan.*—Algernon S. Griggs.  
*From the Counties of Noble, Kosciusko and Whitley.*—John Wes-  
 ton.  
*From the Counties of Ohio and Switzerland.*—P. S. Sage.  
*From the Counties of Park and Vermillion.*—S. T. Ensey.  
*From the County of Tippecanoe.*—D. H. Crouse.  
*From the County of Wayne.*—Lewis Burk.  
*From the Counties of Warren, Benton, Jasper and White.*—  
 James F. Parker.

The following Senators, elected since the last session of the General Assembly, appeared and produced their credentials, and were duly sworn, as required by the constitution :

*From the Counties of Bartholomew and Jennings.*—James E. Wilson.  
*From the County of Putnam.*—Archibald Johnston.  
*From the Counties of Madison and Hancock.*—David Sanders Gooding.  
*From the County of Montgomery.*—Lewis Wallace.  
*From the Counties of Jackson and Scott.*—David McClure.  
*From the County of Ripley.*—Robert W. Fisk.  
*From the Counties of St. Joseph, Marshall, Fulton and Starke.*—Hugh Miller.  
*From the County of Johnson.*—John Slater.  
*From the County of Washington.*—Horace Hefren.  
*From the Counties of Sullivan, Vigo and Clay.*—William E. McLean.  
*From the Counties of Gibson, Pike and Dubois.*—John Hargrove.  
*From the Counties of Cass, Howard and Pulaski.*—Charles D Murray.  
*From the Counties of Delaware, Grant and Blackford.*—Walter March.  
*From the Counties of DeKalb and Steuben.*—Alanson W. Hendry.  
*From the County of Decatur.*—John F. Stevens.  
*From the County of Henry.*—Isaac Kinley.  
*From the Counties of Hamilton, Boone and Tipton.*—John Green.  
*From the Counties of Laporte, Porter and Lake.*—Morgan H. Weir.  
*From the County of Hendricks.*—Solomon Blair.  
*From the Counties of Randolph and Jay.*—Daniel Hill.

*From the Counties of Fayette and Union.*—John Yaryan.

*From the County of Marion.*—John S. Bobbs.

*From the County of Fountain.*—Isaac A. Rice.

*From the Counties of Elkhart and Lagrange.*—John Thompson.

A message from the House by Mr. Bowes, their Clerk.

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate, that the House of Representatives have met and organized by the election of Ballard Smith, of Perry, as Speaker; William R. Bowes, of Laporte, Principal Clerk; James R. Bracken, of Hancock, Assistant Clerk, and Solomon Akers, of Putnam, Doorkeeper; and that the House are ready to proceed to business.

On motion by Mr. Sage,  
The Senate adjourned until half past 2 o'clock, P. M.

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2½ o'clock, P. M.

On motion by Mr. Drew,

*Resolved*, That reporters for papers be permitted to occupy seats upon the floor, and within the bar of the Senate.

Mr. Murray offered the following resolution:

*Resolved*, That Stanley Cooper be now sworn as Senator from the county of Rush.

Mr. Wallace moved to lay the resolution on the table.

The ayes and noes were demanded by Senators Griggs and Burke.

*Those who voted on the affirmative were,*

Messrs. Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, and Wilson—20.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, Woods, and Yaryan—27.

Senator Miller was excused from voting.

So the motion did not prevail.

The President of the Senate here laid before the Senate the following notice of protest, which was read by the Secretary.

STATE OF INDIANA, *Rush County, ss.*

I, George Hibben, Clerk of the Rush Circuit Court, within and for the county of Rush aforesaid, do hereby certify that, John L. Robinson did, within ten days after the general election, began and held at the usual place of holding elections for said county, on the second Tuesday and fourteenth day of October, A. D. 1856, file, in the clerk's office of said county, with me as such clerk, a notice that he contested, as an elector of said county, duly and legally entitled to vote at said election, the election of Stanley Cooper to the State Senate of Indiana, from the county of Rush aforesaid, with the ground of such contest on which he relied; and that by reason of the filing of said notice and statement, I did not issue a certificate as such clerk to said Cooper as such Senator, but that I proceeded according to the statute in such cases made and provided, to issue my commission to two justices of the peace, to meet at a time and place therein specified to take depositions touching the same; and that the justices so commissioned as aforesaid did meet at the time and place so specified as aforesaid, and did proceed to take depositions in said cause, and that said depositions were duly returned to this office, together with the commission and original statement of contest, &c.; and that, as such clerk, I did, on the 4th day of January, A. D. 1857, seal up the same, to wit: the original statement of the ground of said contest, the copy of the notice served on the said Cooper, the commission issued to such justices of the peace, and the depositions in the said cause; and did endorse thereon the reasons of the contesting parties; the branch of the Legislature before which said contest is to be tried; and delivered the same to the postmaster at Rushville, for transmission by mail to the Secretary of State, to whom the same was addressed, on the said 4th day of January, A. D. 1857.

Mr. Wallace submitted the following amendment to the resolution:

“That the Secretary of State be requested to lay before the Senate the papers on file in his office, relative to the contested election for Senator in the county of Rush.”

The amendment was not agreed to.

Mr. Slater moved to lay the resolution of Mr Murray upon the table.

The ayes and noes being demanded by Senators Griggs and Crane,

*Those who voted in the affirmative were,*

Messrs. Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, and Wilson—20.

*Those who voted in the negative were,*

Messrs. Bearss, Bobbs, Burke, Chapman, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, Woods, and Yaryan—26.

So the motion did not prevail.

Mr. Wallace moved to postpone the further consideration of the resolution until Tuesday next.

The ayes and noes being demanded by Senators Stevens and Crane,

*Those who voted in the affirmative were,*

Messrs. Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, and Wilson—20.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, Woods, and Yaryan—27.

So the motion did not prevail.

Mr. Tarkington moved that the Senate now adjourn.

The ayes and noes being demanded by Senators Suit and Griggs,

*Those who voted in the affirmative were,*

Messrs. Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, and Wilson—20.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, Woods, and Yaryan—27.

So the motion did not prevail.

Mr. Murray moved the previous question,  
Which was seconded by the Senate.

The question then being, shall the main question be now put?  
Which was agreed to.

The question being, shall the resolution be adopted?

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Crane, Cravens, Crouse, Ensey, Freeland, Gooding, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, Woods, and Yaryan—28.

*Those who voted in the negative were,*

Messrs. Brown, Drew, Fisk, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, and Wilson—19.

So the resolution was agreed to.

Mr. Cooper came forward and was sworn, as required by the constitution, by Judge Gookins, of the Supreme Bench.

Mr. Drew offered the following resolution:

*Resolved,* That we adopt the same rules and regulations for the government of the Senate that were adopted for the government of the sessions of 1853 and 1855, until other regulations be made.

Mr. Cravens moved to amend the resolution by inserting,  
In Rule 6, in second sentence, and after the word "right," insert the words "with the consent of the Senate."



In Rule 8, first sentence, after the word "appointed," insert the words "by ballot."

In Rule 28, at the end of the same, insert the words "but such motion shall be entertained but once."

In addition to the Rules, add

Rule 54. In all joint meetings of the two Houses of the legislature, convened for a specific purpose, it shall be wholly incompetent for this body, or its members, to engage in the transaction of any other business whatsoever, other than that for which they were so specifically assembled.

On motion by Mr. Murray,

The resolution with the amendments was laid upon the table.

Mr. Suit offered the following resolution :

*Resolved*, That we now proceed to the election of a Principal Secretary, an Assistant Secretary of the Senate, a Doorkeeper, and a Sergeant-at-Arms.

Mr. Wallace moved that the Senate adjourn.

The ayes and nays were demanded by Senators Bearss and Wallace.

*Those who voted in the affirmative were,*

Messrs. Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, McCleary, McClure, McLean, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, and Wilson—18

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, Woods, and Yaryan—28.

So the motion did not prevail.

Mr. Slater moved to lay the resolution on the table.

The ayes and noes being demanded by Senators Bearss and Murray.

*Those who voted in the affirmative were,*

Messrs. Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Tarkington, Wallace, and Wilson—19.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Ensey, Freeland, Green, Griggs, Hendry Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, Woods, and Yaryan—27.

So the motion did not prevail.

Mr. McLean moved to postpone the further consideration of the resolution until to-morrow morning.

The ayes and noes being demanded by Senators Parker and Murray,

*Those who voted in the affirmative were,*

Messrs. Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, Wilson, and Woods—21.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Tompson, Weir, Weston, and Yaryan.—26.

So the motion did not prevailed.

Mr. Slater moved that the Senate now adjourn.

The ayes and noes being demanded by Senators Griggs and Murray.

*Those who voted in the affirmative were,*

Messrs. Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, McCleary, McClure, McLean, Richardson, Slater of Johnson, Tarkington, Wallace, and Wilson.—18.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Slater of Dearborn, Stevens, Suit, Thompson, Weir, Weston, Woods, and Yaryan.—29.

So the motion did not prevail.

Mr. Slater moved to reconsider the vote on adjournment.

The ayes and noes being demanded by Senators Tarkington and Slater,

*Those who voted in the affirmative were,*

Messrs. Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, and Wilson.—20.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Suit, Thompson, Weir, Weston, Woods, and Yaryan.—27.

So the motion to reconsider was lost.

Mr. Weir moved the previous question,

Which was seconded by the Senate.

The question then being, shall the main question be now put?

Which was agreed to.

The question being, shall the resolution be adopted?

The ayes and noes were demanded by Senators Slater and Hefren.

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Stevens, Suit, Thompson, Weir, Weston, and Woods.—25.

*Those who voted in the negative were,*

Messrs. Drew, Fish, Gooding, Hargrove, Hefren, Hostetler, Mansfield, Mathes, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, and Wilson.—18.

So the resolution was adopted.

Mr. McLean moved that the Senate adjourn.

The ayes and noes being demanded by Senators McLean and Murray,

*Those who voted in the affirmative were,*

Messrs. Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, and Wilson.—19.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Cooper, Crane, Crouse, Ensey, Freeland, Griggs, Hendry, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, Woods, and Yaryan.—24.

So the motion did not prevail.

Mr. Bobbs nominated Jonathan S. Harvey, for Principal Secretary of the Senate.

Mr. Wallace nominated Solon Turman for Principal Secretary of the Senate.

The Senate proceeded to the election of Principal Secretary by a viva voce vote.

*Those who voted for Jonathan S. Harvey were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, and Yaryan—27.

*Those who voted for Solon Turman were,*

Messrs. Drew, Fisk, Gooding, Hargrove, Heffren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, Wilson, and Woods—21.

Mr. Harvey having received a majority of all the votes given, was thereupon declared duly elected Principal Secretary of the Senate, to serve as such during the present session.

Whereupon, Mr. Harvey took the oath of office, and entered upon the discharge of his duties.

Mr. Bearss nominated James N. Tyner for Assistant Secretary of the Senate.

Mr. Gooding nominated James H. Vawter for Assistant Secretary of the Senate.

The Senate proceeded to the election of Assistant Secretary by a viva voce vote.

*Those who voted for James N. Tyner were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, and Yaryan—27.

*Those who voted for James H. Vawter were,*

Messrs. Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, Wilson, and Woods—21.

Mr. Tyner having received a majority of all the votes given, was thereupon declared duly elected Assistant Secretary of the Senate, to serve as such during the present session.

Whereupon, Mr. Tyner took the oath of office, and entered upon the discharge of his duties.

Simeon Cheney was nominated for Doorkeeper of the Senate.

Charles G. Warner was nominated for Doorkeeper of the Senate.

The Senate proceeded to the election of Doorkeeper by a viva voce vote.

*Those who voted for Simeon Cheney were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, and Yaryan—27.

*Those who voted for Charles G. Warner were,*

Messrs. Drew, Gooding, Hargrove, Hefren, Hostetler, Johnson, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, Wilson, and Woods—20.

Mr. Cheney having received a majority of all the votes given, was thereupon declared duly elected Doorkeeper of the Senate, to serve as such during the present session.

Whereupon, Mr. Cheney took the oath of office and entered upon the discharge of his duties.

Mr. Weir nominated Joshua S. McDowell for Sergeant-at-Arms of the Senate.

The Senate then proceeded to the election of Sergeant-at-Arms by a viva voce vote.

*Those who voted for Mr. McDowell were,*

Messrs. Bears, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, March, Murray, Parker, Rice, Stevens, Suit, Thompson, Weir, Weston, Woods, and Yaryan—26.

Mr. McDowell having received all the votes given, was declared duly elected Sergeant-at-Arms of the Senate, to serve as such during the present session.

Whereupon Mr. McDowell came forward, took the oath of office, and entered upon the discharge of his duties.

On motion by Mr. Murray,

*Resolved*, That the Secretary inform the House of Representatives that the Senate have met and organized, by the election of Jonathan S. Harvey as Principal Secretary, James N. Tyner Assistant Secretary, Simeon Cheney as Doorkeeper, and Joshua S. McDowell as Sergeant-at-Arms; and are now ready to proceed to legislative business.

On motion by Mr. Tarkington,

*Resolved*, That when the Senate adjourns it adjourn till nine o'clock to-morrow morning.

On motion by Mr. Drew,  
The Senate adjourned.

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FRIDAY MORNING, 9 o'clock, }  
January 9th, 1857. }

The Senate met.

The Journal of the preceding day was read.

The President laid before the Senate the following order of business for the temporary government of the Senate.

#### ORDER OF BUSINESS.

I. Reading of the Journal.



## II. Petitions, memorials and remonstrances.

## III. Reports from standing Committees.

- 1 On Elections.
- 2 On Finance.
- 3 On Judiciary.
- 4 On Organization of Courts.
- 5 On Federal Relations.
- 6 On Education.
- 7 On Corporations.
- 8 On Military.
- 9 On Roads.
- 10 On Canals and Internal Improvements.
- 11 On the Affairs of the town of Indianapolis.
- 12 On Claims.
- 13 On the State Prison.
- 14 On Public Expenditures.
- 15 On Banks.
- 16 On Manufactures.
- 17 On Agriculture.
- 18 On Unfinished Business.
- 19 On Benevolent Institutions of the State.
- 20 On Swamp Lands.
- 21 On Temperance.
- 22 On County and Township business.
- 23 On Phraseology and Arrangement of Bills.
- 24 On Printing.
- 25 On Enrolled Bills.

## IV. On Joint Committees.

- 1 On Public Buildings.
- 2 On State Library.
- 3 On Canal Fund.

## V. Reports from Select Committees.

## VI. Resolutions of the Senate

## VII. Joint Resolutions.

## VIII. Bills.

## IX. Orders of the day.

**RESOLUTIONS.**

On motion by Mr. Gooding,

*Resolved*, That the Doorkeeper be directed to procure and place on the desks of Senators, one copy each of the journals of the last session of the Senate; also, of the joint rules which were in force for the government of the last General Assembly; also, a copy of the general laws of the last session of the General Assembly; and one copy each of the revised statutes.

Mr. Stevens offered the following resolution:

*Resolved*, That a committee of two of our body be appointed to procure three copies each of the different papers published in the city of Indianapolis, both daily and weekly, and also to procure for their transmission through the post office to any point we may desire to send them.

Mr. Tarkington moved to amend by inserting the "Daily Journal," "Daily Sentinel," and "Locomotive."

Mr. Johnston moved to amend the amendment to the resolution by adding, in the proper place, "at the expense of Senators individually."

On motion by Mr. Slater,  
The resolution with the amendment was laid upon the table.

On motion by Mr. Murray,

*Resolved*, That the Doorkeeper be instructed to contract for the delivery, duly enveloped, to each Senator, three copies each of the Daily Journal, Daily Sentinel, and Weekly Free Press and Volksblatt, one copy to be without envelopes.

Mr. Murray offered the following resolution:

*Resolved*, That the Treasurer of State be directed to furnish the Doorkeeper of the Senate with money sufficient to purchase stamps for the use of the members and officers of the Senate, to be equally distributed among the Senators and officers of the Senate.

The ayes and noes being demanded by two Senators,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Green, Griggs, Hargrove, Hendry, Hill, Hostetler, Kinley, Murray, McCleary, McLean, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Wallace, Weir, Weston, Wilson, Woods, and Yaryan—41.

*Those who voted in the negative were,*

Messrs. Gooding, Hefren, Johnston, March, Mansfield, Mathes, Miller, and McClure—8.

So the resolution was adopted.

On motion by Mr. Gooding,

*Resolved*, That a committee of two be appointed on the part of the Senate, to act with a similar committee on the part of the House, to wait on his Excellency, the Governor, and ascertain at what time it will be convenient for him to deliver his annual message to the General Assembly; and that the House be informed of the adoption of this resolution.

Messrs. Gooding and Murray were appointed said committee on the part of the Senate.

#### BILLS INTRODUCED.

Mr. Cravens introduced,

Senate Bill No. 1. An act to apportion Senators and Representatives for the next four years.

Which was read a first time.

On motion by Mr. Freeland,

The Bill was laid on the table and two hundred copies ordered to be printed for the use of the Senate.

On motion by Mr. Gooding,

*Resolved*, That the President appoint a committee of three to solicit some minister of the gospel to open the Senate with prayer on to-morrow morning, at the convening of the Senate.

On motion by Mr. Cravens,

*Resolved*, That when the Senate adjourns, it adjourn to 2 o'clock P. M.

On motion by Mr. Murray,  
The Senate adjourned.

2 o'clock, P. M.

The Senate met.

On motion by Mr. Freeland,

The resolution to amend the rules of the Senate, laid on the table yesterday, was ordered to be taken from the table.

Mr. Freeland moved that the resolution to amend, be amended, by striking out the word, "by ballot," and inserting "by the Senate."

Mr. Slater of Dearborn, moved to refer the original resolution, and the resolution to amend, to a select committee of five.

The ayes and noes were demanded by two Senators.

*Those who voted in the affirmative were,*

Messrs. Brown, Drew, Fisk, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Tarkington, Wallace, Wilson, and Woods.—20.

*Those who voted in the negative were,*

Messrs. Alexander, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crane, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Slater of Johnson, Stevens, Suit, Thompson, Weir, Weston, and Yaryan.—28.

So the motion to refer was lost.

A message from the House, by Mr. Bowes, their Clerk.

**MR. PRESIDENT:**

I am directed by the House of Representatives, to inform the Senate, that the House have passed the following resolution:

*Resolved*, That a committee of two on the part of the House, to act with a similar committee on the part of the Senate, be appointed to wait on the Rev. David Stevenson, and request him to attend in the Hall of the House of Representatives, to-morrow morning, at 9 o'clock, to open the session with prayer, and that the Senate be invited to attend, and that seats be provided for them, within the bar of the House,—in which the concurrence of the Senate is respectfully requested.

Whereupon,  
Messrs. McFarland and Denby were appointed said committee,  
on the part of the House.

A message from the House, by Mr. Bowes, their Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate, that the House have concurred in the following resolution of the Senate.

*Resolved*, That a committee of two be appointed by the Senate to act with a similar committee on the part of the House, to wait on his Excellency, the Governor, and learn from him when he will make his annual communication to this General Assembly; and that the House be informed of the adoption of this resolution.

And Messrs. Dobbins and Branham were appointed said committee on the part of the House.

Pending the motion to amend the rules,

On motion by Mr. Murray,

The Senate adjourned until to-morrow morning at 9 o'clock.

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SATURDAY MORNING, 9 o'clock,  
January 10, 1857. }

The Senate met.

The journal of yesterday was read.

The President laid before the Senate the following communication, with the accompanying documents:

OFFICE OF SECRETARY OF STATE, }  
Indianapolis, January, 7, 1857. }

*The President of the Senate :*

DEAR SIR: Herewith please find depositions in the following named cases of contest, to-wit: W. J. Elliott, vs. John S. Bobbs;

Philip Myer, vs. Isaac A. Rice ; Kline G. Shryock, vs. Hugh Miller, and John L. Robinson vs. Stanley Cooper, which I deliver to you as required by law.

Respectfully,

E. B. COLLINS, Secretary of State.

Which were laid on the table by consent of the Senate.

The President laid before the Senate the report of the Branch of the State Bank of Indiana at New Albany.

Which was laid on the table by the consent of the Senate.

The President laid before the Senate the report of the Branch of the State Bank of Indiana at Michigan City.

Which was laid on the table by the consent of the Senate.

The President appointed Messrs. Gooding, Woods and Crane, a committee to invite a minister of the Gospel to open the Senate with prayer, as required by the resolution adopted yesterday.

#### RESOLUTIONS.

Mr. Crane offered the following resolution :

*Resolved*, That the Doorkeeper of the Senate be directed to employ a suitable number of assistants to keep the Senate chamber in order ; the number not to exceed seven.

Mr. Gooding moved to amend the resolution by striking out "seven" and inserting "five."

Which was not agreed to.

Mr. Tarkington moved to amend by adding, "and that the Sergeant-at-arms employ one assistant."

Which was accepted by the mover of the resolution.

Mr. Johnston moved to amend the resolution by adding, "and that the Doorkeeper and Sergeant-at-arms be required to report the names of their assistants to the Senate."

Which was accepted by the mover of the resolution.

Mr. Weir moved to amend the resolution by striking out "seven," and inserting "five."

Mr. Slater of Dearborn, moved to lay the amendment to the resolution on the table.

The ayes and noes being demanded by Senators March and Gooding,



*Those who voted in the affirmative were,*

Messrs. Bearss, Chapman, Drew, Green, Hill, Murray, Parker, Rugg, Sage, Slater of Dearborn, Stevens, Suit, and Thompson—13.

*Those who voted in the negative were,*

Messrs. Blair, Brown, Burke, Cooper, Crane, Cravens, Ensey, Fisk, Freeland, Gooding, Griggs, Hargrove, Hefren, Hendry, Hostetler, Johnston, Kinley, March, Mansfield, Miller, McCleary, McLean, Richardson, Rice, Slater of Johnson, Tarkington, Wallace, Weir, Weston, Wilson, Woods, and Yaryan—32.

So the motion to lay the amendment on the table was not agreed to.

The mover of the resolution, Mr. Crane, accepted the amendment to limit the number of assistant doorkeepers to five; and, The resolution, as amended, was agreed to.

Mr. Crane offered the following resolution :

*Resolved*, That the Principal and Assistant Secretaries be directed to employ a competent number of assistants.

Which was not agreed to.

Mr. Slater of Dearborn, moved the reconsideration of the vote on the resolution.

Which was agreed to.

Mr. Gooding moved to amend the resolution by adding, "not exceeding five."

Which was agreed to,

And the resolution, as amended, was adopted :

**BILLS INTRODUCED.**

By unanimous consent of the Senate,  
Mr. Yaryan introduced,

Senate bill No. 2. An act to amend the 18th section and 19th section of "an act prescribing the powers and duties of justices of the peace, in State prosecutions, approved May 29th, 1852."

Which was read a first time and passed to a second reading.

By unanimous consent of the Senate,  
Mr. Drew introduced,

Senate bill No. 3. A bill to repeal "an act entitled an act to prohibit the manufacture and sale of spirituons and intoxicating liquors, except in the cases therein named, and to repeal all former acts inconsistant therewith, and for for the suppression of intemperance, approved Feb. 16th, 1855."

Which was read a first time and passed to a second reading.

On motion,  
The rules were suspended.

Mr. Suit offered the following resolution :

*Resolved*, That the presiding officer of the Senate be directed to certify to the Treasurer of State, that C. G. Warner, Henry Bigler, — Mars, and Addison Elkins, each served five days as Doorkeepers to the Senate, at the present session; and than William B. Taylor served eight days as Assistant Doorkeeper, at the last session of the Senate, for which he is entitled to receive twenty-four dollars.

Which was agreed to.

On motion by Mr. Suit,  
The following message from the House was taken up.

A message from the House, by Mr. Bowes, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bill thereof:

Bill No. 1. "An act to regulate the salary of the Governor and to repeal all former acts relating thereto."

In which the concurrence of the Senate is respectfully requested.

House bill No. 1, contained in the foregoing message,  
Was read a first time, and passed to a second reading.

Mr. Slater of Dearborn moved to suspend the rules, and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Bobbs, Brown, Chapman, Cravens, Crouse, Drew, Fisk, Freeland, Gooding, Hargrove, Hefren, Hill, Hostetler, Johnston, March, Mansfield, Mathes, Miller, Murray, McCleary, McClure, McLean, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Wallace, Weir, Weston, Wilson, Woods, and Yaryan.—38.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Burke, Cooper, Crane, Ensey, Green, Griggs, Hendry, Kinley, and Thompson.—II.

So the bill was read a second time.

Mr. Suit moved to amend by adding the following section :

SEC. —. That the Supreme and Circuit Judges shall each receive a salary of two thousand dollars per annum, payable quarterly out of the State Treasury.

Mr. Weir moved to amend the amendment by adding the following section :

SEC. —. That the Circuit Prosecuting Attorneys shall each receive a salary of one thousand dollars per annum, payable quarterly out of the State Treasury.

Mr. Sage moved to lay the pending amendments on the table.

The ayes and noes being demanded by Senators Brown and Weir,

*Those who voted in the affirmative were,*

Messrs. Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, March, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Sage, Slater of Dearborn, Slater of Johnson, Tarkington, Wilson, and Yaryan—20.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, Murray, Parker, Rice, Rugg, Stevens, Suit, Thompson, Wallace, Weir, Weston, and Woods—29.

So the motion to lay on the table was not agreed to.

Mr. Murray moved to refer the bill and pending amendments to a select committee of five.

Mr. Suit moved a call of the previous question,

Which was seconded by the Senate.

The question being, shall the main question be now put?

Which was agreed to.

The question being, shall the bill and pending amendments be referred to said select committee?

The ayes and noes being demanded by Senators McLean and Hostetler.

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, and Yaryan—27.

*Those who voted in the negative were,*

Messrs. Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, Wilson, and Woods—22.

So the bill and pending amendments were referred to said select committee.

Mr. Hefren moved to instruct the select committee on House bill No. 1, to report the same back to the Senate at 2 o'clock, P. M. to-day.

Which was agreed to.

Mr. Hostetler moved that the select committee, to whom was referred House Bill, No. 1, with pending amendments, be instructed as follows :

To amend, first by fixing the salary of Supreme Judges at "seventeen hundred dollars per annum."

2d. By fixing the salary of Circuit Judges at "fifteen hundred dollars per annum."

3d. By fixing the salary of Circuit Prosecuting Attorneys at "five hundred dollars per annum."

On motion of Mr. Weir,

The instructions to said select committee were laid on the table.

Mr. Bobbs moved to instruct the select committee on House Bill No. 1, to strike out of sec. —, "two thousand five hundred," and insert "three thousand."

On motion by Mr. Weir,

The instructions to the said select committee were laid on the table.

The President appointed Messrs. Murray, Suit, Hefren, Rugg, and Brown, the select committee on House Bill, No. 1.

By unanimous consent of the Senate, Mr. Murray introduced Senate Bill, No. 4. A bill to authorize appointments of some person to hold the Common Pleas Court, in case of the absence or sickness of the Judge.

Which was read a first time and passed to a second reading.

Mr. McLean moved that the Senate adjourn.

The ayes and noes being demanded by Senators Bearss and Cravens,

*Those who voted in the affirmative were,*

Messrs. Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, and Wilson—20.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, Woods, and Yaryan—29.

So the motion to adjourn did not prevail.

#### SENATE BILL ON SECOND READING.

Senate Bill, No. 1, An act to apportion Senators and Representatives for the next four years,

On motion by Mr. Cravens,

Was read a second time.

Mr. Cravens moved to suspend the rules, consider the bill engrossed and read a third time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, and Yaryan—27.

*Those who voted in the negative were,*

Messrs. Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnston, Tarkington, Wallace, Wilson, and Woods—22.

So the motion to suspend the rules was not agreed to.

Mr. Wallace moved to postpone the further consideration of the bill until Wednesday next.

The ayes and noes being demanded by Senators Johnston and Slater of Dearborn,

*Those who voted in the affirmative were,*

Messrs. Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnston, Tarkington, Wallace, Wilson, and Woods—22.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, and Yaryan—27.

So the motion to postpone was not agreed to.

Mr. Johnston moved that the Senate adjourn.

The ayes and noes being demanded by ten Senators,

*Those who voted in the affirmative were,*

Messrs. Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, and Wilson.—21.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, Wilson, and Yaryan.—28.

So the motion to adjourn did not prevail.

The bill was ordered to be engrossed.

On motion by Mr. Freeland,  
The Senate adjourned until 2 o'clock P. M.

2 o'clock, P. M.

Senate met.

The President laid before the Senate the following communication with the accompanying report:

TRUSTEES' OFFICE W. & E. CANAL, }  
Terre Haute, Jan. 6, 1857. }

To A. P. WILLARD, Esq.,

*President of the Senate:*

SIR:—Herewith please find annual report of the Board of Trustees of Wabash and Erie Canal, which I ask you to lay before the body over which you preside.

Very respectfully,

THOS. DOWLING,

*Resident Trustee.*

Which was laid on the table by the consent of the Senate.

Mr. Murray offered the following resolution:

*Resolved*, That the following Standing Committees be now appointed by the Senate:

## SENATE COMMITTEES.

*On Elections.*

Messrs. Suit, Hendry, Brown, Cravens, Yaryan, Tarkington, and Drew.

*On Finance.*

Messrs. March, Stevens, McCleary, Rice, Richardson, Rugg, Cravens, Bobbs, and Hefren.

*On Judiciary.*

Messrs. Murray, March, Griggs, Suit, Yaryan, McCleary, Slater of Johnson, Wallace, Alexander, Hendry, and Fisk.

*On Organization of Courts.*

Messrs. Yaryan, Hendry, Rice, Burke, Bobbs, Slater of Dearborn, Johnston, Hostetler, and Drew.

*On Federal Relations.*

Messrs. Freeland, Burke, Thompson, Weston, Bearss, Gooding, Hargrove, Miller, and Wilson.

*On Education.*

Messrs. Bobbs, Kinley, Blair, Brown, Rugg, Ensey, Drew, McLean, and Stevens.

*On Corporations.*

Messrs. Crouse, Green, Weir, Brown, Burke, Rugg, Sage, Wallace, and Drew.

*On Military Affairs.*

Messrs. Drew, Ensey, Chapman, Johnston, and Mathes.

*On Roads.*

Messrs. Ensey, Weston, Parker, Hill, Hostetler, Mansfield, and Fisk.

*On Canals and Internal Improvements.*

Messrs. Cravens, Bearss, Griggs, Hill, Weir, Hargrove, Mathes, McLean, and Miller.

*On Town of Indianapolis.*

Messrs. Bobbs, Blair, Green, Griggs, Slater of Johnson, Brown, and McClure.

*On Claims.*

Messrs. Rice, Green, Hill, Murray, Slater of Dearborn, Alexander, and Fisk.

*On State Prison.*

Messrs. Crane, Parker, Wallace, Mansfield, Hendry, McLean, Weir, Tarkington, Woods, and Sage.

*On Expenditures.*

Messrs. Green, Tarkington, Gooding, Crane, and Weston.



*On Banks.*

Messrs. Burke, Cravens, Rugg, Weir, McLean, Tarkington, Crane, Brown, Stevens, Ensey, and Slater of Dearborn.

*On Manufactures.*

Messrs. Weston, Slater of Dearborn, Parker, Hendry, Slater of Johnson, McClure, and Cooper.

*On Agriculture.*

Messrs. Bearss, Freeland, Richardson, Thompson, Fisk, Sage, and Mansfield.

*On Unfinished Business.*

Messrs. Kinley, Parker, Brown, Slater of Dearborn, and Weston.

*On Benevolent Institutions.*

Messrs. Sage, Bobbs, Crouse, Ensey, Johnston, Freeland, Brown, Cooper, and Drew.

*On Swamp Lands.*

Messrs. Parker, Weir, Murray, Hargrove, Miller, McClure, Freeland, and Green.

*On Temperance.*

Messrs. Gooding, Brown, Yaryan, Rugg, March, McLean, and Stevens.

*On County and Township Business.*

Messrs. Blair, Parker, Mansfield, Richardson, Chapman, Hefren, and Thompson.

*On Phraseology and Arrangement of Bills.*

Messrs. Green, Kinley, Gooding, Mathes, and Blair.

*On Printing.*

Messrs. Griggs, Hill, Suit, Hefren, Slater of Johnson, Yaryan, and Brown.

*On Enrolled Bills.*

Messrs. Weir, Hostetler, Griggs, Brown, McCleary, Weston, and Freeland.

*Joint Committee on Public Buildings.*

Messrs. Suit, Sage, and Mathes.

*On State Library.*

Messrs. Thompson, Chapman, and Alexander.

*On Canal Fund.*

Messrs. Chapman, Burke, and Slater of Dearborn.

Mr. Gooding moved to indefinitely postpone the consideration of the resolution.

The ayes and noes being demanded by Senators Gooding and Parker,

*Those who voted in the affirmative were,*

Messrs. Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Wallace, Wilson, and Woods.—21.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Copper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, and Yaryan.—27.

So the motion to postpone was not agreed to.

The question recurring on the adoption of the resolution,

The ayes and noes being demanded by Senators Gooding and Drew,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, and Yaryan.—27.

*Those who voted in the negative were,*

Messrs. Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, Wilson, and Woods.—21.

So the resolution was adopted.

#### REPORT FROM SELECT COMMITTEE.

Mr. Murray, chairman of a select committee, made the following report :

MR. PRESIDENT:

The select committee, to whom was referred House Bill No. 1, with the pending amendments, have had the same under consideration, and direct me to report the same back with the following amendments, in which they ask the concurrence of the Senate, and when so amended, they respectfully recommend its passage.

Amend by adding the following section to the bill:

Section —. The Judges of the Supreme Court shall be allowed the sum of eighteen hundred dollars annually, and the Judges of the Circuit Court shall be allowed the sum of sixteen hundred dollars annually, and the Prosecuting Attorneys of the Circuit Court shall be allowed the sum of six hundred dollars annually; the said several salaries to be paid quarterly, as the salary of the Governor is directed to be paid.

Which report was concurred in, the amendment adopted, ordered to be engrossed, and the bill passed to a third reading on tomorrow.

On motion by Mr. McLean,

The report of the Trustees of the Wabash and Erie Canal was taken from the table, referred to the committee on canals and internal improvements, and 500 copies ordered to be printed for the use of the Senate.

On motion by Mr. Murray.

Messrs. Drew and Chapman were added to the committee on canals and internal improvements.

On motion by Mr. Tarkington,  
The following message from the House was taken up:

MR. PRESIDENT :

I am directed by the House, to inform the Senate, that the House have passed the following resolution :

*Resolved*, That the joint rules, which were in force for the government of the General Assembly at the last session, be adopted by the House as the rules of joint action for conducting business at the present session, and that the Senate be informed of the adoption of this resolution, and their concurrence therein requested.

Mr. Tarkington moved to concur in the resolution contained in the foregoing message.

Mr. Weir moved to lay the motion to concur, on the table until Monday next.

The ayes and noes being demanded by Senators Slater of Dearborn and Tarkington,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, and Yaryan—27.

*Those who voted in the negative were,*

Messrs. Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, Wilson, and Woods—21.

So the motion to lay on the table was agreed to.

On motion by Mr. Bearss,

The papers relating to the contest by William J. Elliott of the seat of the Honorable John S. Bobbs, Senator from the county of Marion; and the papers relating to the contest of Philip Myers of the seat of the Honorable Isaac A. Rice, Senator from the county of Fountain; and the papers relating to the contest by Kline G. Shryock of the seat of the Honorable Hugh Miller, Senator from the district composed of the counties of St. Joseph, Marshall, Fulton, and Stark; and the papers relating to the contest by John L. Robinson of the seat of the Honorable Stanley Cooper, Senator from the county of Rush, were taken from the table and referred to the committee on Elections.

On motion by Mr. Crane,

The Senate adjourned until Monday morning, 9 o'clock.

MONDAY MORNING, 9 o'clock, }  
January 12, 1857. }

The Senate met.

The journal of Saturday was read.

By unanimous consent of the Senate, the rules were suspended, and

Mr. Gooding, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee appointed to procure a minister of the Gospel to open the session with prayer, report that they have waited upon Rev. T. A. Mills, and have obtained his consent to open the Senate with prayer, instantler.

Whereupon,

The Rev. T. A. Mills came forward and addressed the Throne of Grace.

#### PETITIONS.

By Mr. Hendry:

A petition from sundry citizens of Steuben county, praying the amendment of section 3 of an act regulating the duties of county surveyors.

Which,

On motion by Mr. Hendry,

Was referred to committee on county and township business.

#### RESOLUTIONS.

On motion by Mr. Ensey,

*Resolved*, That the committee on the judiciary be requested to inquire into the expediency of amending the interest law so as to allow the collection of ten per cent. interest per annum on special contract.

On motion by Mr. Tarkington,

*Resolved*, That the Auditor of State be requested to furnish the Senate, at his earliest convenience, with the amount of funds on mortgages belonging to the State University, upon which the interest is annually paid. The amount of suspended debt, (or lands forfeited to the State for the use of said University.) That the amount of the unpaid purchase money on lands in the counties of

Gibson and Monroe, and the amount of the annual expense of handling said funds for the use of the University.

On motion by Mr. Suit,

*Resolved*, That the committee on the judiciary be instructed to inquire as to the right by which Lee Roy Woods holds his seat as Senator from the county of Clark; and whether he has been elected, appointed *to*, or acted *in* any other official capacity, or held or received the emoluments of any other lucrative office, or office of trust and profit, since his election to the office of Senator; that said committee have power to send for persons and papers, and that they report the facts to this Senate as soon as possible.

On motion by Mr. Hostetler,

*Resolved*, That his Excellency, the Governor, be requested to lay before this body any information in his possession, in relation to the fraudulent means made use of, either by offers of stock money, or otherwise, made to members, and to whom made, and whether any such offer was accepted as a consideration for his support to the bill constituting a Bank and Branches, passed at the session of 1855, and by whom made, and also to whom such consideration was given,—if in his judgment, it is not inconsistent with the public good.

On motion by Mr. Wallace,

*Resolved*, That the judiciary committee be instructed to examine whether there is any statute of this State conferring upon a judge of the Supreme Court, authority to administer oaths, except while sitting as a member of said court; and if so, to cite in their report the volume, page and section, in which such authority is found; and that they be further instructed to report without delay.

On motion by Mr. Parker,

*Resolved*, That the Auditor and Treasurer of State be requested to communicate to the Senate any information which they may be in possession of, relative to frauds alleged to have been committed by certain county officers, in the management and sale of swamp lands.

Mr. Wallace offered the following preamble and resolution:

WHEREAS: On Friday last, upon the reception of the message from the House, inviting the Senate into the Hall of the House of Representatives to hear the annual message of his Excellency, Gov. Wright, the Senate adjourned on the motion of the Senator from Howard, (Mr. Murray,) without action in response

to the invitation: **WHEREUPON**, the democratic Senators proceeded alone into the House inside the bar, and heard the Message: **WHEREFORE**, to avoid a similar discourtesy,

*Resolved*, That when the invitation is received from the House to-day informing the Senate that the House is ready to go into joint convention to witness the opening and publication of the returns of the election of Governor and Lieutenant Governor, according to the requirements of the constitution, that the Senate do forthwith proceed in a body to the House for the proper discharge of that duty without a previous adjournment.<sup>a</sup>

Mr. Freeland moved to lay the preamble and resolution on the table.

The ayes and noes being demanded by Senators Johnston and Fisk,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Gravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Finley, March, Murray, Parker, Rice, Stevens, Suit, Thompson, Weir, Weston, and Yaryan—26.

*Those who voted in the negative were,*

Messrs. Brown, Drew, Fisk, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Sage, Slater of Dearborn, Tarkington, Wallace, Wilson, and Woods—21.

So the motion to lay on the table was agreed to.

The following resolution was offered by Mr. Suit:

*Resolved*, That the thanks of the Senate be, and they are hereby tendered, to Lieutenant Governor Willard, for the able, impartial, prompt and efficient manner, in which he has presided over its deliberations and conducted its business.

Which was unanimously agreed to.

#### BILLS INTRODUCED.

By unanimous consent,

Mr. Weir introduced

Senate Bill, No. 5. An act to amend the 9th section of an act entitled "an act providing for the election and qualification of justices of the peace, and defining their qualifications and duties in civil cases, approved June the 9th, 1852."

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Stevens introduced

Senate Bill, No. 6. An act to prevent illegal voting and affixing penalty therefor, and to provide for the registry of the names of voters.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Miller introduced

Senate Bill, No. 7. A bill to provide for the granting of writs of habeas corpus, injunctions, and restraining orders in certain cases.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Griggs introduced

Senate Bill, No. 8. An act to amend section three of an act entitled "an act to amend the 1st and 4th sections of an act entitled an act authorizing Recorders to make out complete or general indexes to records of deeds and mortgages and to procure and use seals, approved February 14th, 1855."

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Drew introduced

Senate Bill, No. 9. An act defining embezzlement and prescribing the punishment therefor.

Was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Hargrove introduced

Senate Bill, No. 10. A bill to amend the 433d section of an act entitled an "act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852."

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

#### *Senate bill on third reading.*

Senate Bill, No. 1. A bill to apportion Senators and Representatives for the next four years,

Was read a third time.

Mr. Tarkington moved to refer the bill to a select committee of three, with the following instructions:

Amend by giving Monroe one Senator, and Owen and Clay one Senator, jointly.



Mr. Hostetler moved to further instruct the committee, as follows :

Amend so as to give Lawrence and Jackson each, one Senator.

Mr. Rugg moved to further instruct the committee, as follows :

Amend 14th line of printed bill, Sec. 1, by striking out the words "Adams and," and strike out, also, after the word "Randolph," the words "and Jay," and insert the words "one, Adams, Jay and Blackford, one."

Amend, also, the 15th line of Sec. 2, by striking out after the word Adams, the word "and," and insert "one;" and after the word "Allen," strike out "three jointly" and insert "two."

Mr. Drew moved to further instruct the committee, as follows :  
To amend Sec. 2, line 2d, by inserting "Posey two."

Mr. Green moved to further instruct the committee, as follows :  
To so amend Sec. 2, as to give Grant one, and Howard and Tip-ton one.

Mr. Sage moved to further instruct the committee, as follows :  
To so amend said bill as to give Ohio and Switzerland coun-ties, two Representatives jointly.

A division of the question being had,

The question being, shall the bill be recommitted to said select committee?

Mr. Johnston moved to further instruct the committee, as fol-lows :

To amend by striking out the third section, and inserting the following : "That this act take effect and be in force from and af-ter its passage and publication."

Mr. Weir moved that the motion to recommit to select com-mittee, be laid on the table.

The ayes and noes being demanded by Senators Johnston and Slater of Dearborn,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Stevens, Suit, Sage, Thomp-son, Weir, Weston, and Yaryan —27.

*Those who voted in the negative were,*

Messrs. Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hos-tetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure,

McLean, Richardson, Rugg, Slater of Dearborn, Tarkington, Wallace, Wilson, and Woods—21.

So the motion to lay the motion to recommit on the table, was agreed to.

Mr. Tarkington moved to lay the bill on the table.

The ayes and noes being demanded by Senators Freeland and Weir,

*Those who voted in the affirmative were,*

Messrs. Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Sage, Slater of Dearborn, Tarkington, Wallace, Wilson, and Woods—22.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Stevens, Suit, Thompson, Weir, Weston, and Yaryan.—26.

So the motion to lay the bill on the table, was not agreed to.

Mr. Gooding moved to postpone the further consideration of the bill till Monday next, at 2 o'clock, P. M.

The ayes and noes were demanded by Senators Weir and Green.

*Those who voted in the affirmative were,*

Messrs. Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Sage, Slater of Dearborn, Tarkington, Wallace, Wilson, and Woods—22.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Stevens, Suit, Thompson, Weir, Weston, and Yaryan—26.

So the motion to postpone was not agreed to.

Mr. Bearss moved the previous question,  
Which was seconded by the Senate.

The question being, shall the main question be now put?  
Which was agreed to.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, and Yaryan—27.

*Those who voted in the negative were,*

Messrs. Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Tarkington, Wallace, Wilson, and Woods—21.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

#### HOUSE BILL ON THIRD READING.

House Bill, No. 1. An act to regulate the salary of the Governor, and to repeal all former acts relating thereto,

Was, with the engrossed amendment of the Senate thereto, read a third time.

Mr. Murray moved to lay the bill and engrossed amendments thereto, on the table.

Which was agreed to.

The President laid before the Senate the following communication and accompanying report:

INDIANAPOLIS, January 12th, 1857.

*To the President of the Senate:*

DEAR SIR:—Please lay before the Senate my annual report and oblige,

Yours respectfully,

JOHN M. LORD,

*Agent of State.*

Which,

On motion by Mr. Brown,

Was laid upon the table, and 500 copies ordered to be printed for the use of the Senate.

The President laid before the Senate the following communication and accompanying report:

INSTITUTION FOR DEAF AND DUMB, }  
INDIANAPOLIS, Jan. 12th, 1857. }

HON. A. P. WILLARD,  
*President of the Senate:*

SIR:—Please lay before the Senate the 13th annual report of the Trustees and Superintendent of this Institution.

Very respectfully,  
THOMAS MAC INTIRE,  
*Superintendent.*

Which,

On motion by Mr. Brown,

Was laid on the table, and 500 copies ordered to be printed for the use of the Senate.

The President laid before the Senate the following communication and accompanying report:

INDIANA HOSPITAL FOR THE INSANE, }  
INDIANAPOLIS, Jan. 12th, 1857. }

HON. A. P. WILLARD,  
*President of the Senate:*

SIR:—Please lay before the Senate the annual report of the Board of Commissioners and Superintendent of this Institution.

Very respectfully,  
JAMES S. ATHON,  
*Superintendent.*

Which,

On motion by Mr. Brown,

Was laid upon the table, and 500 copies ordered to be printed for the use of the Senate.

By unanimous consent,

Mr. Cravens offered the following resolution:

*Resolved*, That when the Senate adjourns it adjourn to 1 o'clock, P. M.

Which was adopted.

On motion by Mr. Murray,

The following message from the House was taken up:

A message from the House by Mr. Shook, Assistant Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following resolution thereof:

*Resolved*, That the Senate be invited to attend in the Hall of the House of Representatives at half past 2 o'clock, this afternoon, to open and publish the returns of the election for Governor and Lieutenant Governor, as required by the fourth section of the fifth article of the Constitution of the State of Indiana.

In which the concurrence of the Senate is respectfully requested.

Pending which,

The Senate adjourned until 1 o'clock, P. M.

1 o'clock, P. M.

The Senate met.

On motion by Mr. Weir,

A call of the Senate was ordered. The Secretary proceeded to the call, when it appeared that the following Senators were absent:

Messrs. Alexander, Drew, Hill, Mathes, Miller, McCleary, Rugg, and Slater of Johnson—8.

On motion by Mr. Brown,

Mr. Alexander was excused from the call.

On motion by Mr. Sage,

Mr. Alexander was excused from all former calls of the Senate during the present session.

On motion by Mr. Gooding,

A further call of the Senate was dispensed with.

Mr. March offered the following amendment to the resolution contained in the House message, pending at adjournment:

Amend by striking out "two and a half o'clock," and inserting "three o'clock."

Also, add the following:

That in said joint convention, no other business shall be transacted except that of opening, counting and publishing the returns of votes for Governor and Lieutenant Governor, witnessing the inauguration, and the administration of the oaths of office, and when that is done, such joint convention shall stand adjourned *sine die*, without motion.

The President here laid before the Senate the following communication:

HALL OF THE HOUSE OF REPRESENTATIVES, }  
INDIANAPOLIS, January 12, 1857. }

TO THE HON. A. P. WILLARD,

*President of the Senate of Indiana:*

SIR:—Please lay before the Senate, over which you preside, the following communication.

BALLARD SMITH,  
*Speaker of the House of Representatives.*

HALL OF THE HOUSE OF REPRESENTATIVES, }  
INDIANAPOLIS, Jan. 12, 1857. }

*Gentlemen of the Senate of Indiana:*

The constitution of the State devolves upon the undersigned, the duty of "opening and publishing the election returns for Governor and Lieutenant Governor" of the State, in the presence of both Houses of the General Assembly.

As the terms of office of those functionaries begin on this day, by appointment of the constitution, I intend to perform that duty in the Hall of the House of Representatives *instantly*, and respectfully invite you to be present with the House of Representatives now in session.

BALLARD SMITH,  
*Speaker of the House of Representatives.*

Pending the motion of Mr. March to amend the resolution contained in the message from the House under consideration,

The President addressed the Senate, announcing that his connection with the Senate as their presiding officer had terminated, and closing his remarks at five minutes before 2 o'clock, P. M.

At twenty-three minutes after 2 o'clock, P. M.,

Mr. Cravens moved a call of the Senate,

Which was agreed to.

The Secretary proceeded to the call, when it appeared that the following Senators were absent:

Messrs. Brown, Drew, Fisk, Freeland, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLain, Parker, Richardson, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, Weston, Wilson, and Woods—26.

Mr. Cravens offered the following resolution :

*Resolved*, That the hour of half-past 2 o'clock has arrived, and no quorum being present, the Senate cannot entertain any question upon the resolution of the House, inviting the Senate to participate with the House in witnessing a count of the vote for Governor and Lieutenant Governor, and the ceremonies of inauguration, and that this resolution be placed upon the journal of the Senate.

No action was taken upon the resolution for want of a quorum.

The Hon. Abram A. Hammond, the in-coming Lieutenant Governor of the State of Indiana, here appeared in the chair, as the President of the Senate, and addressed the Senate as follows :

*Senators :*

By the voice of the people of Indiana, it is made my duty to preside over the deliberations of this honorable Senate.

Before entering upon the discharge of this duty, permit me to say, that I do so with but a single purpose, and that is to so discharge that duty, that you may be enabled the more speedily to complete the legislation of the country. With the law governing the action of legislative bodies I am not familiar. But I find consolation in the fact, that I am surrounded by Senators whose wisdom and experience will enable them by their counsels to aid me in correctly deciding all questions of order that may arise in the course of your deliberations; and I respectfully ask of you that counsel and aid.

With the hope that your labor may result to the benefit and advancement of Indiana, I take the chair as your presiding officer.

After which,

On motion by Mr. Cravens,

The further call of the Senate was suspended.

Mr. Slater moved that the Senate adjourn.

The yeas and noes being demanded by five Senators,

*Those who voted in the affirmative were,*

Messrs. Brown, Drew, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richard-

son, Rugg, Slater of Dearborn, Tarkington, Wallace, and Wilson—18.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Fisk, Freeland, Gooding, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, Woods, and Yaryan—30.

So the motion to adjourn did not prevail.

Mr. Tarkington moved that the pending amendment to the resolution contained in the message from the House, be laid on the table.

The ayes and noes being demanded by Senators Gooding and Wallace,

*Those who voted in the affirmative were,*

Messrs. Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Tarkington, Wallace, Wilson, and Woods—21.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, and Yaryan—27.

So the motion to lay on the table did not prevail.

Mr. Gooding moved to indefinitely postpone the further consideration of the amendment.

The ayes and noes being demanded by Senators Weir and March,

*Those who voted in the affirmative were,*

Messrs. Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Tarkington, Wallace, Wilson, and Woods—21.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill,



Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, and Yaryan—27.

So the motion to indefinitely postpone did not prevail.

Mr. McLean moved to indefinitely postpone the further consideration of the resolution and pending amendment.

The ayes and noes being demanded by Senators March and Gooding,

*Those who voted in the affirmative were,*

Messrs. Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Tarkington, Wallace, Wilson, and Woods—21.

*Those who voted in the negative were,*

Messrs. Bearss, Bobbs, Burke, Blair, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, and Yaryan.—27.

So the motion to indefinitely postpone did not prevail.

Mr. Hefren moved that the Senate adjourn.

The ayes and noes being demanded by Senators March and Yaryan,

*Those who voted in the affirmative were,*

Messrs. Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McClure, McLean, Richardson, and Wilson—15.

*Those who voted in the negative were,*

Messrs. Bearss, Bobbs, Blair, Burke, Chapman, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Slater of Dearborn, Stevens, Suit, Thompson, Wallace, Weir, Weston, Woods, and Yaryan—30.

So the motion to adjourn did not prevail.

Mr. Slater of Dearborn moved to reconsider the vote on the motion to adjourn.

Mr. Yaryan moved to lay the motion to reconsider on the table.

The ayes and noes being demanded by Senators Cravens and Weir,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, Woods, and Yaryan.—27.

*Those who voted in the negative were,*

Messrs. Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Tarkington, Wallace, and Wilson.—19.

So the motion to lay the motion to reconsider on the table, was agreed to.

The question recurring on the adoption of the resolution contained in the message from the House, with the pending amendment,

The yeas and noes were demanded by two Senators.

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, Woods, and Yaryan.—27.

*Those who voted in the negative were,*

Messrs. Drew, Fisk, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Wallace, and Wilson.—16.

So the resolution, as amended, was concurred in.

*Ordered,* That the Secretary inform the House thereof.

On motion by Mr. Cravens,  
The Senate adjourned until to-morrow morning at 9 o'clock.

TUESDAY MORNING, 9 o'clock,  
January 13th, 1857.

The Senate met. . .

The journal of preceding day was read.

Mr. J. J. Alexander, Senator from the counties of Green and Owen, appeared and took his seat.

Mr. Gooding moved to strike out all that part of the journal of yesterday which relates to the proceedings had subsequent to the leaving of the chair by President Willard, and prior to its occupation by Lieutenant Governor Hammond.

Mr. Parker moved to lay the resolution to strike out upon the table.

The ayes and noes being demanded by Senators Bearss and Parker,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, and Yaryan.—27.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wilson, and Woods.—22.

So the motion to lay the motion to strike out upon the table was agreed to.

Mr. Gooding moved to strike out that portion of the journal of the proceedings of yesterday which states the time when President Willard left the chair.

Mr. Green moved to lay the motion to strike out upon the table.

The ayes and noes being demanded by Senators Drew and Weir,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane,

Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, and Yaryan—27.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wilson and Woods—22.

So the motion to lay the motion to strike out upon the table was agreed to.

The President laid before the Senate the following

#### REPORT

Of the New Albany Branch Bank of the State of Indiana, on the 3d Saturday of November, 1856, as required by the 60th section of the charter :

To the first interrogatory we answer, coin..... \$4,000

The 2d, 3d, 4th and 5th, we answer..... none.

The 6th, two officers.

President and Cashier, compensation..... none.

The 7th, 8th, 9th and 10th, we answer ..... none.

Very respectfully,

V. A. PIPIN, *Cashier.*

Which was laid upon the table and two hundred copies ordered to be printed for the use of the Senate.

The President laid before the Senate the following communication and accompanying report :

BRANCH OF THE STATE BANK OF INDIANA, }  
MADISON, Nov. 15, 1856. }

*To the President of the Senate :*

The within report, as to the affairs and business of this Branch, and showing its condition as the same is found on the third Saturday in November, 1856, at two o'clock in the afternoon, is submitted in compliance with the provisions of the charter.

The officers of this branch are :

William McKee Dunn, President—compensation	\$500	per annum.
Joseph M. Moore, Cashier,	“ 2,750	“
Mark Tilton, Teller,	“ 1,000	“
Geo. D. Fitzhugh, Bookkeeper,	“ 1,000	“
Wm. B. Thurston, Discount Clerk,	“ 1,000	“

The real estate held in the name of the bank was conveyed by deed from the sheriff of Jefferson county, dated November 27, 1855, and has not since been offered at public sale.

Respectfully,

T. M. MOORE, *Cashier*.

Which was laid upon the table, and two hundred copies ordered to be printed for the use of the Senate.

The President laid before the Senate the following order of business for the government of the Senate:

#### ORDER OF BUSINESS.

- I. Reading of the Journal.
- II. Petitions, Memorials and Remonstrances.
- III. Reports from Standing Committees.
  - 1 On Elections.
  - 2 On Finance.
  - 3 On Judiciary.
  - 4 On Organization of Courts.
  - 5 On Federal Relations.
  - 6 On Education.
  - 7 On Corporations.
  - 8 On Military Affairs.
  - 9 On Roads.
  - 10 On Canals and Internal Improvements.
  - 11 On the Affairs of the town of Indianapolis.
  - 12 On Claims.
  - 13 On the State Prison.
  - 14 On Public Expenditures.
  - 15 On Banks.
  - 16 On Manufactures.
  - 17 On Agriculture.
  - 18 On Unfinished Business.
  - 19 On Benevolent Institutions of the State.
  - 20 On Swamp Lands.
  - 21 On Temperance.
  - 22 On County and Township business.
  - 23 On Phraseology and Arrangement of Bills.
  - 24 On Printing.
  - 25 On Enrolled Bills.
- IV. On Joint Committees.
  - 1 On Public Buildings.
  - 2 On State Library.
  - 3 On Canal Fund.

- V. Reports from Select Committees.

## VI. Resolutions of the Senate

## VII. Joint Resolutions.

## VIII. Bills.

## IX. Orders of the day.

On motion by Mr. Cravens,

It was ordered that 100 copies of the Order of Business be printed for the use of the Senate.

## PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Hill presented a petition from sundry citizens of Jay county, on the subject of the school fund and the office of State Superintendent,

Which,

On motion by Mr. Hill,

Was referred to the committee on education.

On motion by Mr. Johnston,

*Resolved*, That the committee on education be instructed to inquire into the expediency of so amending the School Law, as to dispense with the duties of Superintendent of Public Instruction, and reducing the salary to a mere nominal sum, and abolishing the office of township trustees, and report by bill or otherwise.

Mr. Hargrove offered the following resolution :

*Resolved*, That the House of Representatives be requested to furnish this Senate with a copy each, of Governor Wright's annual message and Governor Willard's inaugural address, delivered to the House the present session of the General Assembly.

Mr. Tarkington offered the following amendment to the resolution :

*Resolved*, That the message of his Excellency, Gov. Joseph A. Wright, which is in the following words and figures, be laid on the table, and that five thousand copies be printed for the use of the Senate ; and that five hundred copies of the inaugural address of Gov. Willard, be also printed for the use of the Senate.

*Gentlemen of the Senate*

*and of the House of Representatives :*

In the name of the people of this State, I welcome you, as their appointed servants, assembled under the constitution and the laws to guard their rights and to promote their welfare. The cares of national polity and foreign diplomacy demand nothing of your immediate oversight. These grave and world-wide interests are

wisely committed to other hands, and to you are left matters of more domestic and peaceful concern—the agricultural, educational, and other civil and industrial interests of your own homes and firesides. Let no difference of opinions, concerning national polity, however actively developed amid recent events, mar the fraternity and unanimity with which you address yourselves to the business of promoting the internal interests, and improving the domestic policy of your own State.

The recent election of a chief magistrate of this great nation, evolved, during its pendency, an unusual degree of popular excitement, attended with acerbity and fears. But the crisis came, and has passed. The silent ballots of four millions of freemen have assuaged popular excitement, and dissipated partisan fears. The people prosecute their usual avocations, and find peace and rest in their domestic interests and pursuits—looking for good, where many have prophesied only evil, and determined to sustain the right, by whatever hand it is administered. In like manner, gentlemen, may the excited discussions in which you have, elsewhere, participated, be forgotten, in the eagerness and unity with which you, here, direct your thought and efforts to the security and advancement of our domestic prosperity.

It affords me pleasure to say that, during the past two years, the general condition of the State has been that of peace and prosperity. All our various interests, agricultural, manufacturing, and commercial, are in a prosperous condition; our State maintains a growing and commanding position among her sisters of the confederacy; the laws, with their benign influence, are respected among our people; and though during the past year, the agricultural interests of some portions of the State have suffered from the drought of the season, yet we have ample cause to render thanks to a superintending providence for the innumerable blessings which have been bestowed on our land and people.

The first subject that demands the consideration of the representatives of the people, is that of the financial condition of the State. It is gratifying to know that economy has been observed in your public expenditures; the interest upon your public debt, promptly discharged; and the reduction of the principal not overlooked.

The amount of the ordinary expenses of the State government, for the year ending October 31, 1855, was \$147,442 61. The same, for the year ending October 31, 1856, was \$59,522 68. The excess of expenditure, for the year 1855, over that of 1856, was caused, mainly, by the expenses of the Legislature, and matters necessarily connected therewith. This expenditure of \$59,522 68, for the ordinary annual expenses of a government of more than one million four hundred thousand inhabitants, is believed to be less than the ordinary annual expenditures of any of our sister States.

Among the first subjects which demand your prompt attention, is that of providing, by law, for the reappraisement of the landed property, for taxable purposes. The propriety of this is so manifest, that, I trust your early action will enable the county officers to commence this work before the expiration of your session.

In accordance with the provisions of the charter of the State Bank of Indiana, its corporate powers will cease on the first of January, 1859—the intervening two years to be occupied in winding up and liquidating its affairs. The State, as joint owner, is deeply interested in the safe and successful closing up of this institution. In the main, it has been managed with prudence and sagacity, and with a view to the profits of the stockholders, and the general interests of the people of the State. Few institutions of the kind have enjoyed, so generally, the confidence of the public. In its organization, the rights of the whole people were secured; the provisions of the charter, and the practice under it, strictly guarding against every species of favoritism. Books for the subscription of stock were faithfully kept open for the space of thirty days. Fortunately for community, and the management of the corporate powers of the Bank, much of the stock was taken, in few shares, by our own farmers, mechanics, and merchants. It commenced its operations, therefore, under the auspices of a favorable public sentiment, and, as experienced, throughout its career, instead of hostility, the decided marks of friendship and good will, at the hands of our citizens. Like all banking corporations, however, it has had its favorites in many portions of the State, and has been, in many respects, a splendid monopoly.

It will be seen from a communication from the President, which is herewith transmitted, that the interest of the State, in the Bank, upon the final closing up of its concerns, after the payment of the bonds issued on account of the capital stock, will, in his opinion, if prudently and safely closed up, amount to a sum of near two millions of dollars. Efforts will be made to divert this vast fund from its appropriate channel, and, in some manner, to control it for the promotion of private interests. In anticipation of such efforts, it is earnestly recommended that no sale, or transfer, of the interest of the State in the Bank, shall be permitted, either to individuals or corporations.

The charter confers ample power, and defines the particular mode in which the affairs of the Bank shall be closed. Its capital is to be converted into cash, and the part belonging to the State paid to the Sinking Fund Commissioners—officers of your own creation, selected from the whole people, and having no connection with the Bank, either as stockholders or borrowers, to be by them invested, as the law may direct, for purposes of Common School Education. A fund so sacred, and for purposes so beneficial to the people of the State, should be, forever, preserved inviolate. It should not be permitted to tempt the cupidity of



individuals, or used to augment the powers, or swell the coffers of any corporate monopoly.

The present mode of investment of the Sinking Fund, is, chiefly, in mortgages upon the real estate of our citizens. The facilities thus afforded for borrowing money, create a spirit of speculation, often terminating in bankruptcy and ruin to the borrower. The long lists of lands forfeited to the Fund, for the non-payment of principal and interest, admonishes us to seek for some other mode of investment, which shall be equally safe and productive. I have repeatedly suggested, and now renew the recommendation, that the Sinking Fund Commissioners should be authorized to invest this Fund, from time to time, as it may accumulate in their hands, in the bonds of the State, under appropriate limitations, as to principal and market value; thus changing the character of our obligations, from a foreign to a domestic debt; the interest upon which, when collected from our own people, shall be immediately re-imbursed to them, in the accomplishment of that high and most ennobling object of human government, the education of our youth. It is a high trust, and will be most truly performed, when we shall connect the education of our children with the character, integrity, and honor of the State. In this manner, at least one-third of our whole foreign indebtedness may be absorbed; thus lessening the burdens of the people, and elevating the financial character of the State.

The entire amount of the Funded Debt of the State, outstanding, is stated by the Auditor of State, as follows:

Of 5 per cent. State stock .....	\$5,156,500
Of 2½ per cent. State stock .....	1,812,577
Total .....	<u>\$6,969,077</u>

The market value of which, estimating the 5 per cent. at eighty-four cents, and the 2½ per cent. at sixty cents, upon the dollar, would be the sum of \$5,419,006.

To show the practicability of converting this foreign debt into a domestic one, the following table is compiled from the report of the Superintendent of Public Instruction, and from the communication of the President of the State Bank:

#### EXHIBIT OF COMMON SCHOOL FUND.

Amount of Special Fund .....	\$1,862,574 90
Amount of Common Fund .....	894,930 15
Bank Tax Fund, on loan from State Treasury ..	6,626 85
Bank Tax Fund, on hand in Treasury .....	10,607 83
Saline Fund, on loan .....	9,689 22
Saline Fund on hand in State Treasury .....	10,531 88

Estimated value of unsold School Lands.....	161,590 00
Estimated value of Sinking Fund in State Bank, to date.....	1,955,461 59
<b>Total.....</b>	<b>\$4,912,012 42</b>

The Sinking Fund Commissioners should be directed, by law, to invest these funds, as they may accumulate in their hands, in the stocks of the State; and they would, alone, be sufficient to absorb nearly our entire indebtedness. The policy, however, of continuing the annual Sinking Fund Tax, for the liquidation of our debt, should not be abandoned. On the contrary, as every interest of the State is buoyant and prosperous, it should, in my judgment, be increased to five cents on the hundred dollars, per annum. If practicable, the first investment, of either our Sinking Fund or School Fund, should be made in the  $2\frac{1}{2}$  per cent. stocks. With this annual diminution of our indebtedness, and the investment of the School Fund as indicated, in less than eight years we shall convert our foreign debt into a home debt; the interest upon which, when drawn from our taxpayers, would immediately be returned to them, in a thousand streams of intelligence, blessing, with their benign influence, parent and child, and elevating to the highest pinnacle of honor the character of our beloved State.

On reference to the report of the Auditor of State, it will be seen that, under the restrictions of the amended Statute, the currency of the Free Banks is amply secured, and fully entitled to public confidence. If banks of issue be necessary at all, they should be as free as possible from the feature of monopoly; and, in this respect, therefore, the system of free banking is entitled to our approbation. To perfect the system, however, a banking department should be created, separate and distinct from all others, but subject to the inspection and supervision of the executive officers and the legislature. The concise and the able report of the Auditor of State, and his valuable suggestions, in this department, are commended to your consideration.

While to other subjects we apply the rigid test of sound, practical, common sense, upon the subject of currency, we cherish the shadow and reject the substance. Not content with such issues as are tolerated by law, the solvency of which has been guaranteed by legal enactment, we have encouraged and fostered the spurious and fraudulent emissions of individuals, plank roads, and insurance companies; all having an origin in our own State, and existing in defiance of law, and sound public sentiment. In addition to this, Indiana has been the great field for the circulation of the worthless and fraudulent issues of other States, sent here by unprincipled speculators, who amass fortunes at the expense of the unwary and credulous. In all these cases, when the bubble bursts, the worthless rags are found in the hands of the poor and

laboring classes. The result of a toleration of this policy, is, to make the rich richer and the poor poorer.

It is in your power to apply the remedy, to protect your constituents from imposition and loss, to prohibit the circulation of an irresponsible currency, by severe penalties, and to prevent, as soon as practicable, the diffusion among our people, of any currency but that which is constitutional, or such as may be promptly convertible into coin. It will be a most fortunate day, when we shall have learned the simple truth, that we can never have steadiness, and permanent prosperity, in the business of the country, so long as we shall continue to encourage any system that converts promises to pay, into money.

It was the intention of the framers of the constitution, and they expressed it in language too plain to be misunderstood, that there should be but one State Bank in Indiana, at the same time; and yet, in the face of this provision, four years before the expiration of the legal existence of the State Bank of Indiana, the Legislature of 1855, chartered a new State Bank, under the name and style of the Bank of the State of Indiana.

It is the spirit of our constitution, that the people are the source of all political power; and, therefore, all legislation affecting their interests, or the character of the State, should emanate directly from them. But, in the case of the charter of the Bank of the State of Indiana, the subject was sprung upon the Legislature, without previous discussion, without notice, without investigation, without any expression of the popular will, and without any indication of public sentiment, in favor of the measure. If such legislation were valid and constitutional, two years before the expiration of the charter of the State Bank, what is there to prevent the present or any succeeding legislature, from extending the monopoly of the business of banking for another period of twenty years, to the same, or other more importunate corporators? If such is to be the interpretation of our constitution, and the practice under it, it is the sheerest mockery to talk of a government of the people. One mischievous, reckless, or ignorant legislature, in an age, might thus inflict upon the State a catalogue of evils which would require the wisdom of an age for their removal; involving, among other evils, the destruction of one of the main supports of public virtue, the supremacy of the voice of the people at the ballot box.

The means and appliances brought to bear to secure the passage of this charter, would, if exposed to the public gaze, exhibit the darkest page of fraud and corruption that ever disgraced the legislature of any State. While men of pure and honorable sentiment were led into its support, in the belief that the approaching close of the existing bank, required them, thus early, to provide a successor; others supported it upon promise of stock, equivalents in money, or pledges as to the location of particular branches. To make up the constitutional vote in its favor, the names of mem-

bers were recorded in its passage, who were, at that moment, absent, and many miles distant from the Capital. But, if fraud and corruption marked the passage of the bill, the enormities practiced in the location of the branches, and the distribution of the stock, were still more glaring, and, if possible, more deserving of public condemnation. The location of the branches, the privileges of subscribing to its stock; in short, the franchises of the Bank, were bought and sold, like other marketable commodities. In some of the branches, the books for the subscription of stock were kept open but a few minutes, and were then only accessible to parties to the fraud; in other instances, they were opened in out-of-the-way places, known only to a few; and, in scarcely any instance, was full and free opportunity given, for citizens generally, to subscribe. In two or three cases, suits were brought by those who felt aggrieved; but their complaints were stifled by the potent agency of money. In this manner, a majority of the stock, in the seventeen branches first organized, was subscribed by twenty-eight individuals, the largest portion of whom have never been engaged in the business of banking, and have, already, disposed of their stock, to others, at enormous premiums.

It would be interesting and instructive, to have, for comparison, the names of the original, and the present, stockholders. The sudden transfer of stock, would convince the most incredulous, that the charter was procured, not for purposes of banking, but for speculations; for the benefit of the few to the exclusion of the many. The premiums thus realized by the original stockholders, are believed to be not less than one quarter of a million of dollars; all of which must be reimbursed by the laboring and producing classes. Had the State exacted such a bonus from the corporators, to be paid into her treasury, it might, at least, have been said, that, in this respect, the whole people were benefitted.

Having a knowledge of these facts, and regarding the charter as a direct violation of the Constitution, I caused two suits to be brought—one in my own name, and one in the name of the State—for the purpose of testing its validity. The first has been decided, without touching any of the great points involved in the issue. The second is still pending, and will, in its progress, fully test the rights of the corporators. The Supreme Court have already intimated such an opinion, in regard to the adoption of amendments to bills upon the passage, as must, inevitably, render the charter a nullity.

In view of all these facts, it is my solemn conviction, that public credit and confidence can never be given to an institution of this character. I recommend, therefore, that the charter be expunged from the statute books; or, failing in this effort, that all connection between the Bank and the State, either by deposit of funds or otherwise, be prohibited, and that it be prevented from reissuing the notes of the present State Bank, by the penalty of a forfeiture of the securities received therefor.

The charter should be promptly and absolutely repealed, so that no sanction, whatever, to its legal existence shall appear upon your statute books. The safety of the public funds should also admonish you to prohibit the reception of its issues for public dues.

The Legislature owe it to themselves, to the cause of honesty and justice, to the credit of the State, and to the constituents they represent, to take prompt and decisive action in the premises. When the present State Bank shall have been entirely wound up, and all its affairs liquidated, should the people then desire another institution to succeed it, their representatives will come instructed to that end, and can frame a charter which, guarding the rights of all, shall not be subservient to the purposes of private speculation. If it be good, the whole people should be permitted to participate in its benefits; if it be otherwise, it should be promptly suppressed.

It may be said that the new institution is now in the hands of safe and responsible men, and that their rights of property should not be disturbed. In answer, it may be stated that they purchased the stock, with full knowledge of the frauds; that the stock, instead of passing into the hands of our citizens, our farmers, merchants and mechanics, as in the former Bank, is being transferred to men beyond our limits, who have no other interest in the prosperity of our State, than to make it the theatre of their speculations. Nor have we any guaranty, or assurance, that, however solvent the present stockholders, the stock may not, in the first moment of disaster, be transferred to others, without character, or responsibility.

With the extended powers and privileges conferred on this institution—its right to issue post notes, to discount upon deposits, and to defy the scrutiny, or control of the Legislature—it is believed that no prudent capitalist would ever invest his money in it.

On the 3d of July last, a proclamation was issued by the Executive, upon the subject of the apportionment of Senators and Representatives, and their election. The Constitution, which is the paramount law of the land, provides for, and establishes, a General Assembly, to be composed of the members of a Senate and House of Representatives, who are required to hold biennial sessions, at the capital of the State, on the Thursday next after the first Monday of January, 1853, and on the same day of every second year thereafter. Under this Constitution, a legislature enacted and established an apportionment law, dividing the State into senatorial and representative districts. In accordance with that law, the General Assembly of 1854 was elected.

The Legislature thus elected, failed to comply with the requirements of the Constitution, in regard to the making of proper laws to provide for the organization of a future Legislature. This neglect of the General Assembly does not, in any manner, impair, or lessen, the power of the Constitution, as to the necessity of having and sustaining a State Legislature. Surely, the neglect of

one branch of the government to perform its duty, will not, of itself, work a revolution, or destroy the functions of government. It is, in forming Constitutions, an essential principle that the government should contain, within itself, the power of self-preservation.

The Executive Department is invested with no authority to exercise the legislative powers of government; and, in this instance, no legislative power was exercised. The Proclamation, from the necessity of the case, took the existing apportionment, as it stood at the last election under the law, and recommended the election of members to fill the number necessary to make a constitutional Senate and House of Representatives, upon precisely the same *ratio* and apportionment which existed when the General Assembly adjourned. In the same number, representing the same territory and population as when you adjourned, you have assembled at the present time.

Convened under the Constitution, clothed, by the people, with the sovereign power that belongs to a General Assembly, it is your duty to fix, by law, the number of Senators and Representatives that shall compose the future Legislatures, and to apportion such Senators and Representatives among the several counties, according to the number of white male inhabitants, above twenty one years of age, in each.

The cause of Education is second to no other claiming legislative attention and action. Mental development invariably precedes physical improvement. Enlightened mind is the real source of all advancement in agricultural science, mechanical invention, and political progress; and, therefore, the educational interests of the State will merit and receive a share of your attention.

The report of the Superintendent of Public Instruction, for the last year, which has been laid on your table, will present the results of the operation of the school system, during the first year after its latest revision. The wisdom of many of the changes, introduced by your predecessors into our Educational Code, has developed itself more and more, during the two years which has transpired since the revision. Though not perfect, it has fully justified all reasonable expectation, and confirms the belief that it rests on a basis of sound principles, and reliable experience. Suggestions contained in the aforesaid document and the forthcoming report, will, doubtless, receive due consideration. The Library system has more than realized the expectations of its friends, and fully redeemed the pledges of its most earnest advocates. The extent to which it has been used in many townships in various parts of the State, seems almost without a parallel, demonstrating its power and usefulness as an educational instrumentality. I would, most earnestly, recommend that it be made a permanent feature of the system. A reduction of the present tax for its support, of at least three-fifths, would be no detriment to its healthy progress.

The peculiar requisitions of the Constitution, as defined by the

Supreme Judiciary of the State, compel the Legislature to consider the claims of our youth to a period of tuition, adequate to their wants, and equal to their necessities. The townships have, to a great extent, nobly entered on the discharge of their duty, by the erection of school houses; having levied, within two years, more than three-quarters of a million of dollars on the property and polls, for that purpose. Being deprived of the statutory authority to assess a tax for tuition, they look to the Legislature, and demand a redemption of the Constitutional pledge to furnish the requisite amount of funds for this purpose. Is not this claim reasonable? Is it not unquestionable? Is it not just? Then, it should be promptly, and fully met. No consideration of economy should induce the Legislature to postpone the redemption of the educational pledge of the Constitution. Such claims are paramount to all others, and should be so regarded. Of equal urgency and necessity, is the want of competent instructors. Teachers' Institutes, or Normal Schools, are the appropriate remedies for this evil. As the State has not appropriated a dollar to this purpose, heretofore, the questions naturally occur—What does economy demand? What does justice claim? When the townships erect school houses, the State cannot honorably evade, postpone, or repudiate, the obligation to provide the appropriate means for a six months tuition annually for her five hundred thousand children.

The establishment and successful operation of a State Teachers' Association, for the last two years, is an encouraging sign of progress; and the publication of a monthly Educational Journal, by the same Association, is, also, a significant sign, of the same general character.

The important service that this Educational periodical might render the State, suggests the propriety of enlisting it, as an auxiliary to the department of Public Instruction, in communicating with the township boards, and county Auditors.

You will perceive, from the report of the Superintendent, that our Colleges are in a flourishing condition; nobly competing with each other, in the race of usefulness in the higher departments of education. A condensed report of their history and progress, will be found in the report for this year—showing what our citizens have done in their associate capacity, for collegiate education.

Patents have been received for the additional grants of lands to the State University, at Bloomington. In disposing of these lands I recommend that the proceeds be set apart for the endowment of an Agricultural Professorship, in connection with the purchase of a farm, for practical test of labor, and agricultural improvement.

The question of providing, by the operation of judicious and effective laws, for the prevention or mitigation of those vices and evils, public and domestic, which have their origin in the intemperate use of intoxication liquors, requires, from you, the most profound and serious consideration. The judicious legislator will

look with more care to the prevention of crime, than to the punishment of its results.

In former communications, addressed to the General Assembly, on the subject of making laws to regulate the traffic in intoxicating drinks, and to check and restrain the vice of drunkenness, I referred to the danger of arousing a re-action in popular sentiment, by the enactment of laws so stringent that they could not be carried into effect. Subsequent events have developed nothing to induce me to change the views which were then expressed.

The constitutional right of the Legislature to make laws for regulating the traffic in intoxicating drinks, and for restraining and punishing the vice of drunkenness, has existed, sanctioned by judicial authority, from the organization of the government to the present time. The making of such laws, however, requires the exercise of a great degree of prudence. If the laws be too weak they will become worthless, and fall into contempt, before the successful resistances of those who may undertake to violate them with a strong arm. On the other hand, if they are too severe, they cannot be enforced in communities where they may be regarded, by the prevailing popular sentiment, as oppressive interferences with personal rights and domestic privileges. The unwise policy of making laws which, owing to the state of public opinion, cannot be carried into effect, will always afford grounds of justification, or excuse, for an inefficient or weak administration of the best laws. There should be no dead-letter laws among our statutes.

A great increase of the number of places at which intoxicating liquors are sold, and a lamentable increase of the evils which grow out of the vice of drunkenness, are matters which you who are charged with the duty of guarding the interests and promoting the welfare of the State, cannot overlook or neglect. Although we may, in many places, see the evidences of a re-action in public sentiment, apparently unfavorable to the cause of temperance, yet we will fall into a most injurious error, with respect to public opinion in Indiana, if we concluded, from these evidences, that the people of the State do not require some sound and effectual legislation to check and restrain the growth of those numerous and destructive evils, vices, and crimes, which afflict every community where the laws impose neither punishments nor restraints upon drunkards, nor upon those who constantly hold out inducements which tempt their fellow men to become drunkards. The agitation and discussion of this subject, by the people of the several counties, if necessarily connected with the selection of county commissioners clothed with ample power to restrain and regulate the traffic in intoxicating liquors, is worthy of your special consideration. Whatever differences of opinion may have been, heretofore, entertained on this subject, no man can shut his eyes to the fact, that, throughout our State, numerous places have been opened, or established for the unrestrained sale of spirituous liquors, in which



the young and unwary have been decoyed to contract tastes and habits which the resolves of a subsequent life cannot control, if they have not already entered upon the courses of dissipation and vice.

It is, imperatively, the duty of the Legislature, in the exercise of a wise discretion, to enact some constitutional law, in accordance with public sentiment, of sufficient stringency to restrain and suppress this growing evil; and I doubt not this subject will receive, at your hands, such consideration as its importance requires.

On a review of the late elections, it is apparent to all, that our laws have failed to preserve the purity of the ballot-box. While there is a difference, in regard to the proper remedy, an effort is made to direct public sentiment in favor of a registration of voters. But the practical workings of registry laws, in other States, have failed to convince me of the adaptation of such laws to our community. The officer making the registry is as liable to be imposed upon as the judges of our elections; and as wide a field for fraud and corruption would be opened, as exists under the present system.

A remedy for illegal voting may be found, by requiring an actual residence in the township, or election precinct, of not less than sixty days prior to the time of voting, and by the multiplying of election districts; thereby avoiding the collecting of large bodies of voters at one place, and lessening the facilities for fraudulent voting. Where few voters are congregated at a single precinct, there will be little danger of excited and angry feeling; the right of suffrage will be exercised with more freedom and deliberation; and the voters will be more generally known to each other and to the officers of the election. The penalties for illegal voting and for aiding and abetting thereto, either by solicitation, intimidation, or transportation, should be largely increased.

The practice of betting upon elections is a great and growing evil, tending more than any other cause, to destroy the purity of the ballot-box, and the practice should be visited with the severest penalties. The history of the past year has satisfied me that, unless some effectual means can be adopted to protect the elective franchise from corruption and desecration, our institutions will soon be at the mercy of an unlicensed mob.

The Report of the Trustees of the Wabash and Erie Canal will be laid before you. It will be seen that the Trustees have caused the standing timber on the Birch Creek Reservoir, in Clay County, to be removed, at a very heavy expense; thus allaying all cause of complaint on the part of the inhabitants residing in the vicinity of that work. Though the best medical authorities reported, under a law of the Legislature, that this standing timber would not prove injurious to the health of the surrounding country, yet so completely did a contrary opinion take possession of the public mind in that vicinity, that, on two several occasions, since the last meeting of the General Assembly, that necessary feeder to the canal was des-

troyed by an armed assemblage of a portion of the inhabitants of the country.

These outrages were promptly reported to this department, and I lost no time in adopting such measures as were, in my opinion, best calculated to re-establish the supremacy of the laws in that hitherto peaceful community. In the exercise of the power given by the Constitution, a proclamation was immediately issued; and other outrages being committed, and threatened, not only upon the Canal, but on private property, an adequate force was immediately despatched to the scene of lawlessness. Determined to sustain the law, restore order, and, if possible, punish the aggressors, my duty was plain. Some arrests were made and trials had, which resulted in the discharge of all the persons implicated. Peace and order, however, were restored and maintained.

As the only cause of complaint is now removed, may we not hope that the people in the neighborhood of this Reservoir, as well as all other citizens, will refrain from further hostility and violence to the works and structures of the Canal? That the Trustees had a perfect right to construct the Reservoir, and that they adopted the mode of its construction from the original plans and surveys of the State authorities, and by the examples of other States, are matters which admit of no doubt. That the persons engaged in the destruction of the Reservoir, were misled by the belief that the health of the country was endangered by the timber remaining on the submerged land, is equally clear and undoubted; and if any thing could justify their conduct, this mistaken conviction would be a palliation of it.

It will be seen by reference to the report of the Trustees, that there is a serious diminution of the receipts of tolls on the Canal, as compared with the income of 1854, and the preceding year. By the report of 1855, made to this department, it will be observed that the tolls for that year fall short, more than forty thousand dollars, of the income of the previous year; and that the receipts for the year just closed, show a still further decrease of twenty-six thousand dollars below the revenue of 1855—making, in two years, an aggregate decrease of sixty-six thousand dollars.

This decline in the revenues of the Canal, seems quite extraordinary; and especially, as it is believed that the navigation was maintained with fewer interruptions than occurred in the year when the revenues yielded the highest income. The report of the Trustees will explain this extraordinary decrease and to that report your attention is respectfully directed.

It is gratifying to have the assurance, contained in the report of the Trustees, that the completion of the Reservoir at Birch Creek, and other precautions to secure a good supply of water, will ensure, for the commerce of the next season, a more reliable navigation than that of any previous period. The Canal is now considered in good repair; and such arrangements are being perfected

as will give certainty and promptitude to the transmission of the productions of the soil, to northern or southern markets.

This Canal is the longest artificial water communication in the United States, and has always been a cherished work of Indiana. As a check on high and exorbitant charges, by other and competing modes of transportation, the people of Indiana have a direct interest in the maintenance of the Wabash and Erie Canal, and in its successful results as a measure of revenue to those for whom it is held in trust. The contract between the State and her creditors, was fairly and deliberately made; and it is the highest duty of the State to keep, and perform, faithfully, all of her obligations, and to require the same on the part of others.

Agricultural improvements is visible in every portion of our State. The action of the General Assembly, in making a small appropriation to aid this cause, is exerting a most beneficial influence. A large majority of the counties have well organized agricultural societies, whose delegates are now in session with the State Board of Agriculture; and throughout our State, the increasing interest that is manifested in advancing the cause of agriculture, and other branches of home industry and skill, is rapidly augmenting the amount and value of our domestic products. It is suggested, that it would be productive of good results, to amend the present law, so as to make the Presidents of county societies, or other delegates appointed by them, constitute the State Board.

Having, on several former occasions, urged upon the Legislature the duty of providing for a thorough scientific survey of the geological character of the State, I regret that my recommendations upon a subject of such vital importance to the prosperity of the people, have failed to convince the proper authority of the propriety of making the necessary provisions for such a survey. While the resources of our sister States have been thus developed, and immigration and wealth thereby attracted to them, we have neglected to lay bare the hidden treasures which Nature has garnered up; and, but for accident, or individual enterprise, we should have remained in the most profound ignorance of the mineral resources of our State. Enough has been ascertained to convince us of their existence and extent; but the hand of science is needed to show us their value, and their localities.

Within the last year, discoveries have been made of extensive beds of iron ore, in Perry county, in the immediate vicinity of formations of coal and limestone; and individual explorations, in other portions of the State, have been equally productive. I therefore, earnestly, renew the recommendation for an appropriation for a thorough geological and topographical survey of the State.

In consequence of the excessive drouth of the past season, extending nearly throughout the entire year, our citizens, in common with those of other States bordering upon the Ohio river, have suffered greatly from the obstruction to navigation on that great national thoroughfare. In our own river towns, business has been

paralyzed, manufacturing has been suspended, commerce has drooped, and thousands have suffered from the limited supply, and exorbitant prices of fuel. The frequent occurrence of this state of things, has caused public attention to be directed to the necessity and practicability of improving the river, either by dams and slack water navigation, or by providing vast reservoirs of water in the gorges of the Alleghenies.

However numerous our lines of Railway, even were they to penetrate every county in our State, we could never dispense with this great artery of commerce. It washes the borders of six sovereign States, with a population of near ten millions; and bears upon its bosom the fruits of their soil, the products of their manufactories, and the coal and minerals produced from their mountains. From reliable sources, it is estimated that the value of products annually transported upon this great highway of commerce, is not less than one hundred millions of dollars. The most strict constructionist could scarcely raise a doubt of the constitutionality of appropriations by the General Government for the improvement of the navigation of the Ohio river; and I earnestly recommend you to call the attention of Congress, through your representatives, to the pressing necessity of this important work.

Notwithstanding my connection with the government of the State, has caused so much embarrassment in the discharge of my official duties, as the neglect of the last Legislature to make the necessary appropriation for the support of the State Prison, and to appoint the directors for its management, as required by law. This neglect imposed on me the alternative, either to appoint the directors myself, or to convene the Legislature for that purpose, at great expense to the State, and under circumstances in which I could see no grounds of assurance that the members could agree upon a selection. In this emergency, I assumed the responsibility of making the necessary appointments, and selected as such directors, Messrs. Grafton F. Cookerly, of Vigo, George F. Savitz, of Clark, and Samuel F. Owen, of Floyd.

The contract with the lessee of the prison, expired on the 15th of June, 1856. On the next day, a portion of the prisoners, having become excited under the inflammatory appeals of a newspaper circulated among them, rose in resistance against the authorities and fired the hospital. Through the promptness and efficiency of the fire companies of Jeffersonville, and those of our sister city, Louisville, the fire was extinguished before it had occasioned much loss, and the mutinous conduct of the prisoners was promptly checked. The propriety of tendering to the fire companies some suitable testimonial of their effective and disinterested services, is respectfully suggested.

The report of the directors and officers of the Prison, exhibits the workings of the system, under the control of the State, for the first six months. During this period, it has more than realized our expectations, in economy of management, in the deportment

of the prisoners, and in order and cleanliness; in all of which there is a manifest improvement. It is proper to say, that whatever defects, heretofore, existed in these respects, were the faults of the law, and not of the contractor.

Although it is not anticipated that the Prison can be made, to any considerable extent, a source of revenue, it is already apparent that, even in this respect, with proper management, its net income will be larger than any amount which the State could possibly realize under the contract system.

The object of all prison discipline should be, not merely to punish the offender for his misdemeanor, and restrain him from the further commission of crime, but, by suitable reformatory means, by virtuous example and Christian counsel, to prepare him for a re-entrance into the society of his fellows. Should the labor of the prisoners be productive of an income beyond the expense of their imprisonment, a portion of such net proceeds might, with propriety, be devoted to the support of their families; or distributed among those who, on leaving the walls of the prison, had, by their good conduct, rendered themselves worthy of such favor.

Under no circumstances should the State again surrender her control of this institution; nor revive a policy which meets the condemnation of the civilized world. As far as possible, the convicts should be kept within the walls of the prison, and debarred from intercourse with others. The effect of the intermingling of hardened criminals with those not yet inducted into crime, is highly pernicious, and the practice should be rigidly discountenanced.

The report of the directors and officers discloses the fact, that more than one-third of the present inmates of the prison would be proper subjects for the discipline of the contemplated House of Refuge. I commend to your special consideration this valuable report, which exhibits, fully, the details of our system of prison discipline. No appointment of Moral Instructor has been made. This service has been performed by the Rev. Leroy Wood, the former Chaplain. The list of pardons, and remissions of fines and forfeitures, is herewith communicated.

Our benevolent institutions most deservedly command the respect and confidence of the people. Their several reports will present you with information, in detail, as to their expenditures, progress, and management. They are entitled to much of your consideration. While our people look with pride to these monument of their liberality, they expect from you, their servants, the utmost economy as to their management.

Negotiations have not been concluded with the President of Liberia, for the purchase of land for our colored population emigrating to that Republic. A communication from President Benson, herewith submitted, shows his entire concurrence in the views taken by your State Board, and, doubtless, the necessary legislation, on the part of Liberia, was consummated in December last.

I rejoice with you at the well-merited rebuke which the proposition to renew the African slave trade has received, at home and abroad. God forbid that we should so far forget what is due to our own reputation, to say nothing of justice and humanity, as to renew and endorse a crime, that our fathers, in the purity of our government, called by the right name, piracy.

The subject of African colonization is one of deep interest to our people, and I earnestly recommend the usual appropriations, to aid this great cause of humanity, which promises so much good to the colored man, as well as permanent peace and harmony in our own commonwealth.

The frequent communications, and the amount of business transactions, which exists between citizens of the United States and the subjects of foreign governments, have induced several of the States to provide, by law, for the appointment of Commissioners of Deeds, authorized to take acknowledgments of deeds, depositions, mortgages, &c. The propriety of making provisions to authorize similar appointments, on the part of this State, is submitted to your consideration.

The statute on the subject of granting divorces requires a revision which will relieve our courts from the pressure of applications for divorce, for all imaginable causes, on the part of citizens of other States. You will, doubtless, promptly apply a remedy for this state of things by requiring of the parties, in such cases, an actual residence of two or more years.

The public records of the State, including those of the Supreme Court, and of the departments of the Secretary, the Auditor, and the Treasurer of State, are insecure, and liable to be injured or destroyed by fire. In order to place these records in a condition of greater security, and to relieve the State from the payment of heavy rents, sound policy requires the immediate commencement, on the ground occupied by the State Treasurer, of an edifice sufficiently commodious for the offices of State, Supreme Court, &c; leaving the State House exclusively for the use of the Legislature, and the State Library.

The Governor's Circle, in the very heart of the Capital of the State, should be improved, by taking down the old dilapidated building which stands upon it; and, for the health and beauty of your Capital, the grounds should be set apart for a public park.

In preparing the plan of the proposed building, care should be taken to adapt it to the present and future wants of the State, not overlooking rooms for the collection and preservation of geological specimens, agricultural publications, valuable seeds, and models of useful farming implements, and other mechanical inventions.

A Bureau of Statistics is required for the purpose of ascertaining, and making known, from year to year, the progress of improvements in Indiana, and the condition of the various branches of productive industry in the State. It is a matter of astonishment that we have so long neglected the duty of providing means for

the accomplishment of this important work. By means of a Bureau of Statistics—which may be organized and managed at an expenditure which would be inconsiderable when compared with the value of its operations—our citizens, and the people of other States, might receive annually, authentic information of the progress of improvement in the several counties of Indiana. Among other details, this information might embrace facts having reference to the following subjects, namely:—The quantity of land under cultivation; the kinds, amounts, and values of the annual field crops; the various annual productions of orchards, gardens, and dairies; the various articles of domestic manufacture, produced annually; the annual products of mechanical industry and skill; estimates of the amount and value of exports and imports; the names, locations, and population of towns and villages; the number and value of school houses and churches; the names, number, capital, and purposes, of incorporated companies, &c., &c. An annual statistical report, presenting, in detail, authentic information with respect to these subjects, should be made a permanent part of our domestic policy.

In connection with the proposed improvement at the Capitol, your attention is invited to a consideration of the expediency of providing for an enlargement of the State House square. By vacating, for the distance of one square, the street north of the Capitol, by the purchase of two small lots, and by effecting, with the city authorities, an arrangement respecting the location of the western Market House, the area of the lot for the use of the State House, may be enlarged, so as to form appropriate public grounds around the Capitol of the State.

Having repeatedly called the attention of the Legislature to the necessity of placing additional restrictions and safeguards around the office of Agent of State, and feeling it incumbent on me to exercise a careful supervision over it, I appointed Elijah Newland, of this State, and James F. D. Lanier, of New York, to examine, and report upon its condition, and proposed various questions in reference to the subject. Owing to a pressure of business, Mr. Lanier declined the trust; and I thereupon appointed Washington De Pauw, who was in that city, in his stead. The report of the examiners is herewith communicated, in which, among other things, the propriety of appointing a Register of Stock, as a check upon the Agent, is suggested. As, however, there might be collusion between the Agent and Register, it would fail to afford the desired security.

Under the present system, the bonds are executed by the Auditor and Treasurer, forwarded in quantities to the Agent, and only require his signature, and filling up, to render them valid, while upon the officer issuing them, there is no check whatever. That frauds have not, heretofore, been committed, is owing to the integrity of the officer, and not to any security afforded by the law.

It would, in my judgment, be preferable, in all cases of transfer of stock, to require the bond, before its issue and after signature by the Agent, to be signed by the Auditor and Treasurer of State, and registered by them, in their respective offices. The slight delay would be more than counterbalanced by the absolute and entire safety and security which would be thereby furnished.

The annual Report of the Agent is herewith presented, to which your attention is invited. Monthly reports of the transactions of the Agent, have been furnished, in compliance with my requisitions. But even these would fail to correct the evil; for, whatever the competence or integrity of the officer, he is, necessarily, compelled to entrust a portion of his business to others, whose incompetency, or dishonesty, might involve the State in heavy losses. The prompt and decisive action of the Legislature, on this subject, is imperatively required.

The great and increasing prosperity of our State may be attributed, in no small measure, to results which have been produced by the operations of our railroads—connecting, by a rapid transit, our business with the commercial cities of the Atlantic States, stimulating and rewarding the industry of our people, raising the value of real estate, improving our country, building our cities and towns, giving to the products of our agricultural labor a speedy and fair market, and increasing the strength of the sources of our revenues, by increasing, annually, the aggregate value of the taxable property of the State. In view of this subject, it is manifest that our Statutes should make no unjust discriminations in providing for the security of the rights of railroad companies. The question of the expediency of revising our railroad laws, in order to establish them upon a more just and liberal basis, with respect to certain rights and remedies, is worthy of your consideration. It would be well to require all foreign companies, running any parts of their roads through Indiana, to keep offices in this State, so that process may be served upon them, as it is served on our own corporations. In the assessment of damages for the rights of way, it seems that justice requires that the whole question, including the benefits as well as the injuries resulting to the owners of the land, should be left to the decision of the courts and juries, under the evidence. Much complaint is made in regard to the principle upon which taxes are assessed upon our roads. The subject is worthy of your consideration.

The Secretary of the Treasury has located, in this city, a site for a Post Office and Court Room for the United States. It is necessary that the State should cede to the General Government the land in question, making provision, at the same time, to exempt the lot and improvements thereon, from taxation. Your action on this subject should be prompt, in order that steps may be taken, at the opening of the season, for the commencement of the proposed public building.



In pursuance of a Joint Resolution of the General Assembly, I visited Washington City, and endeavored to adjust the outstanding controversy upon the subject of the three per cent. fund due the State from the General Government. The decision of the Secretary, with the full report of my proceedings in relation to the matters embraced in the Joint Resolution, will be laid before you. The question of the validity of the claim of the State, cannot be settled without the action of Congress.

The salaries paid to the Judges of our Courts are not sufficient to answer the demands of justice and sound policy. If we desire to have the full service of our Judges, and expect them to secure the confidence of the people, by a laborious and faithful discharge of their duties, it is absolutely necessary to increase their compensation. This is emphatically true in relation to the Judges of our Supreme and Circuit Courts. The compensation for the services of the Judiciary, above all other departments, should be such that the State could command, at all times, the services of our most worthy and competent men.

The increase of business in our Supreme Court, and the frequent equal division of the Judges, upon important questions, presents to you the propriety of providing, by law, for an additional Judge.

The salary of your Governor is wholly inadequate. Approaching the close of my official services, after more than seven years' experience, I feel no delicacy in speaking plainly on the subject. I have indulged in no unnecessary expenses; I have attempted to dispense that degree of hospitality necessarily expected of the chief officer of the State, in his intercourse with his fellow citizens from abroad, as well as those at home; and yet, I have no hesitation in saying that this can not be done, without drawing largely upon the private income of the citizen who may be called upon to discharge the duties of Governor of your State. The highest and first office within the gift of our people should not be one which the wealthy, only, can afford to accept. I urge you to increase the salary of this officer, and to make the increased compensation apply to my immediate successor, by the enacting of a law to take effect before the commencement of his official term.

A communication from the Superintendent of Weights and Measures, at Washington, is herewith submitted. You will, doubtless, provide the necessary legislation, in order that the State may be placed in possession of a set of balances, intended for the adjustment of standard weights.

I herewith communicate the report of the commissioners appointed to investigate the affairs of the Madison and Indianapolis Railroad, with reference to the interests of the State of Indiana.

The views suggested by me, four years since, in a special message to the Legislature, to the effect that the system adopted for the sale and drainage of the Swamp Lands, would result in the frittering away and waste of the fund, have been fully confirmed. In some portions of the State, much good has been accomplished,

by reclaiming large bodies of lands, making them a source of revenue to the State, and promoting the general health.

Two years since, the Auditor of State, who has nearly the entire management of this trust, reported to me, that the Treasurer of Jasper county was largely in default to the fund; which allegation that officer denied. Upon examination of the facts in the case, I deemed it my duty to remove him from office, and to appoint a successor. The validity of the appointment was contested, and the question has not yet been decided by the court.

Large contracts for draining lands have been let by the officers of Jasper county, in a manner not conformable to the law. These transactions it will be your duty to investigate thoroughly; and if any of the officers of State shall be found to have participated therein you will not hesitate to apply the proper corrective. Under no possible circumstances, should titles have been delivered to the contractors, for any of the lands until the completion of their respective contracts. Immediately upon being informed of the existence of these contracts, I promptly refused the execution of further patents. I am advised that, in these cases, large sums of money had been advanced for work in draining and ditching. As the work was progressing, speculators would buy up the lands, as fast as they were ditched. To obviate this, advance certificates were issued, and bond and security taken for the completion of the work, and in this way, secure the land to the contractor and laborer. In extenuation of the policy adopted, it may be found, upon examination, that large bodies of land have been drained and reclaimed, which would, otherwise, have remained valueless. Similar contracts were made in Gibson county, which resulted satisfactorily to the State and to the people. It would, however, have been more creditable to the parties to these contracts, if they had been laid before the Legislature for approval.

Some modification of the law will be required to enable the State to complete the system of drainage, and make the unsold lands marketable. The propriety of reducing and graduating the price of the remaining lands, situated like those in Knox and other counties, is also suggested.

A large body of lands, in Lake county, is overflowed by the waters of the Calumet, in consequence of a dam erected in Illinois, for the supply of the Illinois and Michigan Canal. A communication on this subject, from the trustees of that canal, is herewith transmitted.

I regret to say that no selection has been made for the location of the site of the contemplated House of Refuge. Under the restrictions and limitations contained in the act of the General Assembly, your officers could not make a selection suitable for such a building, and purposes. It is very desirable that, whatever action may be taken on this subject, the matter may receive your attention, at an early day, in order that the House of Refuge may

be commenced with the opening of spring. The propriety of establishing three houses of refuge—one north, one south, and one at the center—is worthy of special consideration.

We shall be unfaithful to the trust reposed in us by the people of Indiana, unless we address ourselves to her future, with a determination to cherish and augment her good name. Amid all the privations and hardships of a frontier life, and under embarrassments destructive or ordinary energies and integrity, she has fulfilled all her obligations, and clothed herself with prosperity and peace. Her broad fields, reclaimed from the sturdy forests, are pouring their wealthy harvests into the granaries of the East, North and South. With her increasing facilities of transportation, her growing population, her multiplying schools and institutions of learning, she is rapidly acquiring strength in all the elements which constitute a great, a powerful, and a prosperous State.

In this survey of her condition and prosperity, one of the most gratifying reflections is, that it is not for herself, alone, but also for her sister States, to whose wealth she contributes a generous portion, as well as to the strength of that confederacy in which she has received countless blessings, and to the peace and permanence of which, she deems it her duty, her pleasure, and her pride to contribute.

Of small account were our own prosperity, or our contributions to the material wealth of others, were it not that we can proudly say of Indiana, that, from the beginning up to the present hour, distinguished fidelity, in all her political relations to her sister confederates, marks and adorns her history. Central in position in this great family of States—bordering upon those which widely differ from her in domestic policy—she has invariably recognized the co-equal sovereignty, and perfect equality of those around her, and has ever cheerfully accorded, within her jurisdiction, to all citizens of the Union, those rights which are clearly guarantied by the federal constitution—denying no right of property, and imposing no restriction upon opinions, discussions, or forms of political action. Regardless of her likes and dislikes, ever faithful to the federal compacts, she has resisted all attempts to lead her into any course of legislation against the interest of institutions of her sister States. No laws enacted in a spirit of resistance, or hindrance, to the constitutional enactments of the General Government, have ever found a place upon her statute books. Emerging from the recent and exciting Presidential contest, unseduced by the ultraisms which have beset her on either hand, she has renewedly, and still more firmly established her reputation for fidelity and enlightened patriotism. Listening to no fanatical or sectional persuasion, whether coming to her on Southern or Northern breezes, she has followed only the guidance of the Constitution, and has borne aloft the flag of the whole Union, with profound respect and attachment to each and every star. She has sustained the supremacy of law—has triumphantly defended the vital principle of our Re-

public, to-wit: the right of the people everywhere, to choose and establish their own domestic policy.

We have again, given the weight of our influences, as a State, in favor of preserving that simplicity of structure in our form of government which it was the design of its founders to establish; by maintaining that policy which leaves the people of the several States and Territories of the Union, to depend more and more upon their own rights and their own resources, and confines the action of the Federal Government within the clearly defined limits of the Constitution—reserving the exercise of all other powers to the States, severally, and to the people.

Early and deeply impressed with the importance of electing a Chief Magistrate, from among the tried, experienced, and foremost statesmen of the country, the choice of Indiana was firmly fixed upon a distinguished statesman of Pennsylvania, as the one pre-eminently qualified to guide the affairs of the nation, and specially adapted, by his wisdom and patriotism to the exigencies of the existing crisis. The sagacity of our early and steadfast choice, urged upon, and ratified by the National Convention, has been confirmed by the voice of the nation; and we have the satisfaction of knowing that the considerate men of all parties are now looking with hope to the unsullied character, the mature judgment, and the national spirit, of the President elect, as strong and peaceful guaranties that he will guide our councils to a happy issue; enforce obedience to laws; disarm contending factions; protect our foreign and domestic interests; and that diligently and successfully watching and guarding all the varied interests of our vast Republic, he will retire from office with the consciousness of virtue, ripe in years, and rich in the respect and confidence of a great and happy people.

Such, gentlemen, is the past and present name of our own Indiana which is committed to your care. Look wisely and carefully to her future. Develop her wealth, encourage her industry; above all, so administer her government, so wield her power in the federal Union, that her historic record among her sister states may be, *obedience to the federal compact, faithfulness to others, and justice to ourselves.*

It is a source of great gratification to me, in reviewing the period of my administration of the Executive affairs of the State, to see so many substantial evidences of her increasing prosperity. During this time, not a single defalcation of any State or County officer, has occurred. The interest upon our public debt has been promptly paid, without imposing an oppressive burden on our people. Our domestic debt has been entirely liquidated; and we have commenced the reduction of our funded liabilities. Our population has nearly doubled; our taxable property has largely increased; an efficient system of common schools has been adopted, and the People's College erected in every neighborhood. Public Libraries have been established in every township in the State. The waters

of the Lakes and the Mississippi have been united, by the longest line of continuous canal upon the continent; and our commercial, manufacturing, and agricultural interests have been carefully fostered, and widely extended.

The ties, which have so long existed between me, as your chief Executive officer, and you, as my constituents, are soon to be dissolved; and I cannot let the opportunity pass, without renewing, to you, my assurances of regard.

During my official term of seven years, I have encountered many occasions of excitement, and participated in many scenes of trial and anxiety. I have, occasionally, differed from the Legislature, in regard to great questions of public policy; but, while my motives have been misconstrued, and ill feelings sometimes engendered, He who rules our destinies, and knows the secrets of the hearts of men, can bear witness to my earnest desire, in all things, to promote the prosperity, and advance the true interests of the State. It has been my highest aim to serve the people faithfully; and I have been more than repaid by the numerous evidences of their approbation. My only regret is, that my ability to promote their interests, has not been equal to my desire. I have warned them, diligently, against all projects, in whatever quarter arising, which threatened an encroachment upon their rights; and have given my own example, by refusing all connection with moneyed corporations, and schemes of dishonest speculation. And, now, gentlemen, earnestly desiring that your labors may contribute to the advancement of the best interests of the State, the first wish of my heart being its prosperity, I commend your deliberations to the supervision and guidance of the Supreme Ruler of the universe.

JOSEPH A. WRIGHT.

*Indianapolis, Ind., January 9, 1857.*

Mr. Drew moved to amend the amendment of Mr. Tarkington by adding, "and that 2,000 copies of the Governor's message be printed in German."

Mr. Cravens moved to lay the resolution and pending amendments on the table.

The ayes and noes being demanded by Senators Gooding and Slater,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, and Yaryan—27.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wilson, and Woods—22.

So the resolution and amendments were laid upon the table.

On motion by Mr. Murray.

*Resolved*, That the committee on the judiciary be authorized to employ a clerk.

On motion by Mr. Gooding,

*Resolved*, That the Judiciary Committee be instructed to inquire into, and report to the Senate at an early day of this session, whether, under article 2d, and section 2d of the Constitution of this State, it is within the power of the General Assembly to enact a law defining the requisites constituting a residence, and the length of the same, in order to the exercise of the right to vote at the general elections.

On motion by Mr. Green,

*Resolved*, That the Secretary of State be requested to lay before the Senate, at as early a day as possible, a full statement of all that pertains to swamp lands in his office, relative to sales and patents issued, and to whom issued.

Mr. Bobbs offered the following resolution :

*Resolved*, That the committee on education be allowed to employ a clerk.

Mr. Freeland offered the following amendment to the resolution :

By adding " that all the committees be empowered to employ clerks for the necessary time, and pay them for such time."

Which was not agreed to.

The question recurred on the adoption of the resolution.  
Which was agreed to.

On motion by Mr. Suit,

*Resolved*, That the committee on elections be authorized to employ a clerk as long as in the opinion of a majority of said committee it shall be necessary, and no longer

Mr. Sage offered the following preamble and resolution :

WHEREAS, The fourth section of the fifth article of the Constitution of Indiana, requires the votes for Governor and Lieutenant Governor, to be opened and published by the Speaker of the House of Representatives in the presence of both Houses of the General Assembly; AND WHEREAS, the 3d sec. of chap. 13, of the Revised Statutes of 1852, requires the Governor and Lieutenant Governor to "take the oath of office in the presence of both Houses of the General Assembly in Convention," and that the same shall be entered on the journals thereof; AND WHEREAS, on the 12th day of January, 1857, the same being the 2d Monday of said month, the House of Representatives adopted a resolution inviting the Senate to attend in the Hall of the House, at half past 2 o'clock, P. M., to witness said ceremonies on said day; AND WHEREAS, the Senate met at 1 o'clock, P. M., of said day, and proceeded to the consideration of said resolution, which had been duly reported to the Senate by the clerk of the House of Representatives, and while the same was under consideration, and before any vote had been taken on the same, at 5 minutes before 2 o'clock, P. M., Ashbel P. Willard, Lieut. Governor of the State of Indiana, and *ex-officio* President of the Senate, rose in his place and announced that his term of office had expired, and remarked that he should then proceed to the House of Representatives to receive the oath of office as Governor of Indiana, and thereupon left the Senate immediately at the hour last above stated; AND WHEREAS, upon a call of the Senate after the vacating of the chair by the Lieutenant Governor, there appeared to be no quorum of Senators present; AND WHEREAS, it is understood that the votes for Governor and Lieutenant Governor were opened and proclaimed in the presence of the House of Representatives and various citizens of the State of Indiana, commencing at 2 o'clock, P. M., of said day, without the presence of the Senate; and that an oath of office was administered to Abram A. Hammond, in the presence of said House and citizens, of which, however, this Senate has received no official notice; therefore,

*Resolved*, That the committee on the judiciary be instructed to enquire whether the said Abram A. Hammond has been duly elected and qualified as Lieutenant Governor of the State of Indiana, and that they be authorized to send for persons and papers.

Mr. Gooding moved to indefinitely postpone the further consideration of the preamble and resolution.

The ayes and noes were demanded by Senators Drew and Murray.

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, Wilson, and Woods—22.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, and Yaryan—27.

So the motion to indefinitely postpone was not agreed to.

The question recurred on the adoption of the preamble and resolution.

The ayes and noes being demanded by Senators Drew and Suit,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, and Yaryan.—27.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wilson, and Woods.—22.

So the preamble and resolution were adopted.

The following message was received from his Excellency, the Governor:

EXECUTIVE DEPARTMENT OF INDIANA, }  
Indianapolis, Jan. 13, 1857. }

*To the Senate of Indiana :*

GENTLEMEN :—Samuel Osborne is authorized to make executive communications, from the undersigned, to your branch of the General Assembly during the present session.

ASHBEL P. WILLARD.



Which was laid upon the table.

Mr. Hefren introduced the following preamble and resolution :

**WHEREAS**, By section 21, article 5, of the Constitution of the State of Indiana, the Lieutenant Governor, is made, by virtue of his office, the President of the Senate; **AND WHEREAS**, by section 9 of article 4, of the aforesaid Constitution, the biennial session of the legislature of the said State of Indiana shall commence on the Thursday next after the first Monday of January; **AND WHEREAS**, on the day aforesaid the Lieutenant Governor of the State, as such President of the Senate, was in his chair at 15 minutes to 9 o'clock on said day specified, to-wit: Thursday the 8th day of January, A. D., 1857; **AND WHEREAS**, at the time and place aforesaid, one Daniel R. Bearss, a Senator from the counties of Wabash and Miami in said State, and elected in 1854, and by virtue of law holding over as such Senator, moved at 15 minutes to 9 o'clock, A. M., of said day, that Lewis Burke, a Senator from the county of Wayne, and holding over, take the chair as Presiding officer of the Senate, and that John R. Cravens, a Senator from Jefferson, act as Secretary, upon which no Democratic Senator voted, and which motion was declared carried by said Burke, who then ordered a call of the Senate, when the following Senators, answered to their names, to-wit: Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, and Yaryan, in all 27. All of which, who had not previously been sworn in and were holding over, were then sworn in by Judge S. B. Gookins, a Judge of the Supreme Court of this State; Whereupon, they then proceeded to the election of officers of the Senate, who were sworn in, and undertook the duties of their respective offices; **AND WHEREAS**, at the time specified aforesaid, Ashbel P. Willard, Lieutenant Governor of Indiana and President of the Senate, called the Senate to order, and directed Solon Turman, former Clerk of the Senate, at its last session, to call the Senate, when the following Democratic Senators responded to the call of the said Secretary, to-wit: Messrs. Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLain, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, Wilson, and Woods, all of whom were sworn into office by the President of the Senate, except such as were holding over; that the said Democratic Senators answered to the call of the said Turman and the others to the said Cravens; **AND WHEREAS**, during all of the said forenoon the said Burke maintained a seat by the side of the President of the Senate and ordered the said Cravens and others, who pretended to act as such Secretary of such illegal organization of said Senate; **AND**

WHEREAS, Senator Sage, a Senator holding over, moved an adjournment of the Senate until two o'clock, P. M., which motion the said Ashbel P. Willard put and declared carried; AND WHEREAS, at the re-assembling of this Senate the said Burke took his former position, when a call was ordered by the said Willard of the Senate, when a quorum appeared, were sworn into office and took their seats, and the said Burke and Cravens resumed their seats as such Senators, leaving the said A. P. Willard as President of the Senate, by virtue of his office; AND WHEREAS, such a course of proceedings on the part of Senators Burke and Cravens, and those who answered the call thereof, and who upheld and sustained them was unjust and discourteous to the President of the Senate, and unconstitutional and wrong; AND WHEREAS, no legal precedent can be found for such a course as was pursued by said Senators, and that it was revolutionary in the extreme, and that the mode and manner in which they endeavored to organize this body under the circumstances is without a parallel in the history of Indiana; AND WHEREAS, the journal of the Senate does not show these proceedings and facts, therefore,

*Resolved*, That the undersigned, the Democratic members of the Senate of Indiana, be, and are hereby permitted to enter this preamble and resolution as their solemn protest against the acts and proceedings mentioned therein. Signed,

HORACE HEFREN,  
WM. E. McLEAN,  
ARCHIBALD JOHNSTON,  
JOHN MATHES,  
DAVID McCLURE,  
JAS. E. WILSON,  
JOHN SLATER,  
CYRUS K. DREW,  
A. J. HOSTETLER,  
DAVID SAUNDERS GOODING,  
WM. MANSFIELD,  
JOHN HARGROVE,  
B. W. FISK,  
WM. B. RICHARDSON,  
LEW. WALLACE,  
SAMUEL L. RUGG,  
G. W. BROWN,  
W. C. TARKINGTON,  
R. D. SLATER,  
J. I. ALEXANDER,  
ANDREW R. McCLEARY.

Which,

On motion by Mr. Yaryan,

Was referred to the committee on judiciary.

On motion by Mr. Murray,  
The Senate adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

Senate met.

The President laid before the Senate the following communication with the accompanying report:

STATE LIBRARY ROOMS, Jan. 10, 1857.

HON. ABRAM A. HAMMOND:

You will please lay before the body over which you preside, the accompanying report of the State Librarian.

I have the honor to be,

Very respectfully, yours,

GORDON TANNER.

Which,

Was laid upon the table, and 500 copies ordered to be printed for the use of the Senate.

On motion by Mr. Cravens,

*Resolved*, That the finance committee be instructed to inquire into, and report upon, the expediency of so amending the law respecting the interest upon money, that the rate of interest may be fixed at eight per cent., and providing for the recovery of legal interest, in all cases wherein the plea of usury is resorted to in avoidance of contracts involving a higher rate of interest than that fixed by law.

On motion by Mr. Johnston,

*Resolved*, That the committee on the judiciary be instructed to report a bill, making recorders' and county surveyors' fees, operate as a lien upon the lands upon which the fees have accrued.

On motion by Mr. Griggs,

*Resolved*, That the committee on the organization of courts, be instructed to inquire into the expediency of abolishing the courts of common pleas, and transferring the business to the circuit courts, and report by bill or otherwise.

On motion by Mr. Hendry,

*Resolved*, That the committee on education be instructed to enquire into the expediency of so amending the school law, as to restore the district system, with not less than two district trustees, and report by bill or otherwise.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Hargrove introduced,

Senate bill No. 11. A bill to regulate and facilitate the renting of lands to tenants.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Parker introduced,

Senate bill No. 12. An act to enable the Governor, with the advice of the Auditor and Treasurer of State, and of the Attorney General, to compromise actions or causes of actions, between the State and a citizen or citizens thereof.

Which as read a first time, and passed to a second reading.

By unanimous consent of the Senate,  
The rules were suspended, and  
Mr. Drew offered the following resolution :

*Resolved*, That the committee on education be instructed to inquire as to the expediency of amending the school law in such a manner as shall cause the school tax to be disbursed within the counties in which such tax shall be collected.

Which was adopted.

On motion by Mr. Stevens,

*Resolved*, That the Doorkeeper be required to procure one dozen chairs, to be used for the accommodation of ladies visiting the Senate chamber.

By unanimous consent,

Mr. Suit presented the petition of Kline G. Shryock, to be admitted to a seat in the Senate, in the place of the Hon. Hugh Miller, the present incumbent.

Which,

On motion by Mr. Suit,  
Was referred to the committee on elections.

By unanimous consent,  
Mr. March introduced

Senate bill No 13. An act to amend the 6th section and 18th section of an act, entitled "an act regulating the granting of divorces, nullification of marriages and decrees, orders of courts incident thereto;" approved May 13, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Parker introduced

Senate bill No. 14. An act to provide for the approval of the official bonds of constables and justices of the peace.

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

##### *Senate Bills on second reading.*

Senate bill No. 5. An act to amend the 9th section of an act, entitled "an act providing for the election and qualification of justices of the peace, and defining their qualifications and duties in civil cases;" approved June 9th, 1852.

Which was read a second time, and laid on the table by the consent of the Senate.

Senate bill No. 6. An act to prevent illegal voting, and affixing penalty therefor, and to provide for the registry of the names of voters.

Was read a second time,

And,

On motion by Mr. Rugg,

The bill was referred to the judiciary committee, with instructions to report whether it does or does not conflict with the second section of article second of the constitution of Indiana.

Senate bill No. 7. A bill to provide for granting of writs of *habeas corpus*, injunctions, and restraining orders in certain cases.

Was read a second time,

And,

On motion by Mr. Yaryan,  
Referred to committee on claims.

Senate bill No. 8. An act to amend section 8d of an act, entitled "an act to amend the 1st and 4th sections of an act, entitled an act authorizing recorders to make out complete or general indexes to records of deeds and mortgages, and to procure and use seals; approved Feb. 14, 1855.

Which was read a second time,

And,

On motion by Mr. Weir,  
Laid on the table.

Senate bill No. 9. An act defining embezzlement, and prescribing the punishment therefor.

Was read a second time.

Mr. Yaryan moved the bill be laid on the table, and one hundred copies be printed for the use of the Senate.

Which was not agreed to.

On motion by Mr. Johnston,

The bill was referred to the committee on the judiciary.

Senate bill No. 10. A bill to amend the 433d section of an act, entitled "an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases, in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in uniform mode of pleading and practice, without distinction between law and equity;" approved June 18, 1852.

Was read a second time.

Mr. Hefren moved to amend the bill by striking out, in the proper place, "sixty," and inserting "ninety."

Mr. Bearss moved to amend the amendment by striking out "ninety" and inserting "thirty."

On motion by Mr. Wallace,

The bill was referred to the committee on the judiciary.

Senate bill No. 2. An act to amend the 18th and 19th sections of an act, entitled "an act prescribing the powers and duties of justices of the peace in State prosecutions," approved May 29, 1852.

Was read a second time.

And,

On motion by Mr. Suit,  
Referred to the committee on the judiciary.

Senate bill No. 3. A bill to repeal an act, entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors," except in the cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance; approved February 16, 1855.

Was read a second time,

And,

On motion,

Referred to the committee on temperance.

Senate bill No. 4. A bill to authorize the appointment of some person to hold the common pleas court, in case of absence or sickness of the judge.

Was read a second time.

Mr. Murray moved to amend the bill by adding the following section :

Sec. —. When said judge shall be appointed by the sheriff, clerk, and auditor, they shall cause to be entered on the records of said court, at the close of said term, an allowance to said judge of three dollars per day, for each day said judge may hold said court, to be paid out of the county treasury of said county, upon a certified copy of said order, and deducted out of the quarterly payment of the salary of the judge of said district.

Which was agreed to.

Mr. Gooding moved to amend the bill by adding, in the proper place, the words, "or fail."

Which was agreed to.

On motion by Mr. Hostetler,

The bill was referred to the committee on organizations of courts.

On motion by Mr. Slater of Dearborn,

The Senate adjourned until 9 o'clock to-morrow morning.

WEDNESDAY MORNING, 9 o'clock, {  
January 14, 1857. }

The Senate met.

The journal of the preceding day was read.

The following message was received from his Excellency, the Governor, by Mr. Osborne, the executive messenger :

MR. PRESIDENT:

I am directed by his Excellency, the Governor, to communicate the following message :

EXECUTIVE DEPARTMENT, INDIANA, {  
Indianapolis, January 14, 1857. }

*Gentlemen of the Senate:*

I have received a communication from Gordon Tanner, which reads as follows :

STATE LIBRARY ROOMS, {  
January 13, 1857. }

ASABEL P. WILLARD,

*Governor of the State of Indiana :*

SIR : I have this day received from the proper office my commission as Reporter of the Decisions of the Supreme Court, and taken the oath of office, whereupon my functions as State Librarian ceased. I transmit, herewith, the keys of the State Library.

Very respectfully yours,

GORDON TANNER.

Whereby the office of State Librarian has become vacant.

ASHBEL P. WILLARD.

The President laid before the Senate the report of the state of the branch at South Bend of the State Bank of Indiana ; the report of the condition of the Indianapolis Branch of the State Bank of Indiana, and the report of the state of the branch at Bedford of the State Bank of Indiana.

Which were laid upon the table, and one hundred copies of each ordered to be printed for the use of the Senate.



Mr. Sage offered the following resolution :

*Resolved*, That two thousand copies of the Governor's message delivered before the House of Representatives on the 9th inst., be printed for the use of the Senate; also, two thousand copies of the inaugural address of Governor Willard, delivered before the House of Representatives on the 12th inst.

Mr. Hefren moved to amend the resolution as follows :

By striking out " House of Representatives," and inserting " the Legislatue of the State of Indiana."

Mr. Parker moved to lay the motion to amend on the table.

The ayes and noes being demanded by Senators Hefren and Johaston,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston and Yaryan—26.

*Those who voted in the negative were,*

Messrs. Alexander, Drew, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wilson and Woods—19.

So the motion to lay the amendment on the table was agreed to.

The question recurred on the adoption of the resolution,  
Which was agreed to.

Mr. Drew introduced the following resolution :

*Resolved*, That the State Printer be instructed to furnish to this Senate two thousand copies of the Governor's message, printed in German.

Mr. Johnston moved to amend the resolution by striking out "two thousand," and inserting "five hundred."

Mr. Freeland moved to amend the amendment by striking out "five hundred" and inserting "one thousand."

On motion by Mr. Hostetler,  
The pending amendments were laid on the table.

Mr. March introduced the following amendment to the resolution :

That the translation and type used for printing such message by the House of Representatives, shall be used without additional charge for translation and composition.

Which was agreed to.

The question recurring on the adoption of the resolution as amended,

The ayes and noes being demanded by Senators Sage and Bearss,

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Bobbs, Brown, Crouse, Drew, Gooding, Green, Griggs, Hargrove, Hefren, Hendry, Hill, Hostetler, Kinley, March, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Parker, Richardson, Rice, Rugg, Slater of Dearborn, Slater of Johnson, Stevens, Tarkington, Thompson, Wallace, Weir, Weston, Wilson, Woods and Yaryan.—37.

*Those who voted in the negative were,*

Messrs. Bearss, Burke, Chapman, Crane, Cravens, Ensey, Free-land, Johnston, Murray, Sage and Suit—11.

So the resolution was adopted.

On motion by Mr. Richardson,

*Resolved*, That there be one hundred copies of the standing committees printed for the use of the Senate.

On motion by Mr. Yaryan,

*Resolved*, That the message to the Senate just received from his Excellency, the Governor, with the accompanying communication from the Librarian, be referred to the committee on the State Library.

On motion by Mr. Ensey,

*Resolved*, That a committee of five be appointed to enquire into the expediency of reporting a bill appropriating a sufficient amount of money for the prosecution of a general geological survey of the State of Indiana.

On motion by Mr. Miller,

*Resolved*, That whereas a construction has been put upon some parts of the revenue laws of this state touching the assessing and collecting taxes on real estate belonging to railroads and other

corporations, by which many counties have been deprived of one cent of revenue from such lands or real estate—that the committee on finance be requested to report a bill for the relief of said counties, and a just mode of taxation.

On motion by Mr. Yaryan,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of repealing all valuation and appraisement laws on personal property to be sold on execution.

On motion by Mr. Suit,

House bill No. 1. A bill to regulate the salary of Governor, and to repeal all former acts relating thereto,

Was taken from the table and placed on file.

Mr. Freeland introduced the following resolution :

*Resolved*, That the Senate go into committee of the whole on the Governor's message this evening, at half past two o'clock.

Which was not agreed to.

On motion of Mr. Johnston,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of so amending the laws regulating fees and salaries, as to adopt some uniform rule in all cases where fees are made up by court, and report by bill or otherwise.

#### JOINT RESOLUTIONS.

Mr. Hefren introduced the following resolution .

*Resolved*, That the Senate will, the House concurring, go into joint convention on Friday next, at 2 o'clock, P. M., in the hall of the House of Representatives, for the purpose of electing a State Librarian.

Mr. Parker moved to lay the joint resolution on the table.

The ayes and noes having been demanded by Senators Murray and Parker,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, and Yaryan—26.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes; McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, Wilson, and Woods—21.

So the resolution was laid on the table.

#### BILLS INTRODUCED.

Mr. Hargrove introduced,

Senate bill No. 15. A bill fixing the compensation of executors and administrators, and to repeal section 148 of chapter 10, in vol. 2, Revised Statutes of 1852.

Which was read a first time and passed to a second reading.

Mr. Hendry introduced,

Senate bill No. 16. An act providing for the taxation of costs in cases where lands are attached by process from the circuit courts, and courts of common pleas, where the claim is less than fifty dollars.

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

House bill No. 1. A bill to regulate the salary of the Governor, and to repeal all former acts relating thereto.

Being on its final passage,

Mr. Stevens moved to recommit the bill to a select committee, with the following instructions:

To strike out therefrom all that relates to judges of the courts.

Which was not agreed to.

Mr. Griggs moved, as a further amendment to the bill,

To strike out, in third line, third section, "and it being important that this act should take effect before the commencement of the term of Governor elect, that he may receive the benefit thereof."

Which motion prevailed by unanimous consent.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Bobbs, Brown, Chapman, Cravens, Crouse, Drew, Ensey, Freeland, Gooding, Griggs, Miller, Murray, Parker, Rice, Rugg, Sage, Suit, Wallace, Weir, Woods, and Yaryan—23.

*Those who voted in the negative were,*

Messrs. Blair, Burke, Crane, Green, Hargrove, Hefren, Hendry,<sup>9</sup> Hill, Hostetler, Johnston, Kinley, March, Mansfield, Mathes, McCleary, McClure, McLean, Richardson, Slater of Dearborn, Slater of Johnson, Stevens, Tarkington, Thompson, Weston, and Wilson—25.

So the bill did not pass.

By unanimous consent,

On motion by Mr. Weir,

Senate bill No. 5. A bill to amend the 9th section of an act, entitled "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction and powers in civil cases;" approved June 9, 1852.

Was taken from the table and placed on file.

On motion by Mr. McLean,

The vote on the passage of House bill No. 1, a bill to regulate the salary of the Governor, and to repeal all former acts relating thereto,

Was reconsidered.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Bearss, Bobbs, Cravens, Crouse, Drew, Ensey, Gooding, Griggs, Miller, Murray, McLean, Parker, Rice, Rugg, Sage, Suit, Wallace, Weir, Woods, and Yaryan—20.

*Those who voted in the negative were,*

Messrs. Alexander, Blair, Brown, Burke, Chapman, Crane, Freeland, Green, Hargrove, Hefren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Mathes, McCleary, McClure, Richardson, Slater of Dearborn, Slater of Johnson, Stevens, Thompson, Tarkington, Weston, and Wilson—28.

So the bill did not pass.

Mr. Murray moved to suspend the rules, for the purpose of introducing a resolution.

Which was not agreed to.

Senate bill No. 5. A bill to amend the 9th section of an act, entitled "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction and powers in civil cases;" approved June 9, 1852.

Was read for the information of the Senate.

Mr. Johnston moved to amend the bill as follows :

Strike out from the enacting clause and insert the following :

Sec. 1. That jurisdiction of justices of the peace, in civil cases, shall be co-extensive with the limits of the county in which they reside, in all cases founded on contract, made in the township over which such justice has jurisdiction.

Sec. 2. This act shall take effect and be in force from and after its passage and publication.

Mr. Weir moved to amend the amendment as follows :

SEC. 2. That the 13th section of the said act, which is in the words following, to-wit : "Sec. 13. No person shall be sued before any justice out of the township where he resides, except as hereinafter specified, unless such suit is commenced by a *capias ad respondendum*, or when there shall be no justice competent to act in such township," be and the same is hereby repealed.

On motion by Mr. Rice,

The bill and pending amendments were referred to the committee on the organization of courts.

#### SENATE BILLS ON SECOND READING.

Senate bill No. 11. A bill to regulate and facilitate the renting of lands to tenants.

Was read a second time,

And,

On motion by Mr. Griggs,

Was referred to the committee on the judiciary.

Senate bill No. 12. A bill to enable the Governor, with the advice of the Auditor and Treasurer of State, and of the Attorney General, to compromise actions or cause of action between the State and a citizen or citizens thereof.

Was read a second time,

And,

On motion by Mr. Parker,

Referred to the committee on the judiciary.

Senate bill No. 13. An act to amend the 6th section and 18th section of an act, entitled "an act regulating the granting of divorces, nullification of marriages and decrees, orders of courts incident thereto ;" approved May 13, 1852.

Was read a second time.

Mr. Wallace moved to amend the bill by inserting between the first and second sections, as follows :

That the seventh section of said act, which reads as follows, to-wit: Sec. 7. Divorces shall be decreed upon the application of the injured party, for the following causes :

*First*—Adultery, except as hereinafter provided.

*Second*—Impotency.

*Third*—Abandonment for one year, or for a less period, if the court shall be satisfied that reconciliation is improbable.

*Fourth*—Cruel treatment of either party by the other.

*Fifth*—Habitual drunkenness of either party, or the failure of the husband to make reasonable provision for his family.

*Sixth*—The conviction, subsequent to the marriage in any county of either party, of an infamous crime.

*Seventh*—Any other cause for which the court shall deem it proper that a divorce should be granted.

Be, and the same is hereby amended to read as follows, to-wit :

Divorces shall be decreed upon the application of the injured party, for the following causes :

*First*—Adultery, except as hereinafter provided.

*Second*—Impotency.

*Third*—Abandonment by the husband for three years, and by the wife for two years.

*Fourth*—Cruel treatment of either party by the other.

*Fifth*—Habitual drunkenness of either party.

*Sixth*—Failure of the husband to make reasonable provision for his family.

*Seventh*—The conviction, subsequent to the marriage in any county of either party, of an infamous crime: *Provided*, That in case of divorce on account of adultery, the guilty party can never contract matrimony with his or her accomplice in adultery, under the penalty of being considered and prosecuted as guilty of the crime of bigamy, and under the penalty of nullity of the new marriage: *And provided, further*, That in case of divorce granted for abandonment, drunkenness, cruel treatment, adultery or failure of the husband to make reasonable provision for his family, the guilty party shall be prohibited from contracting a new marriage for the space of three years, after decree of divorce rendered.

Mr. Weir moved to refer the bill to the committee on benevolent institutions.

Which was not agreed to.

On motion by Mr. Green,

The bill was referred to the committee on the judiciary.

On motion by Mr. Suit,

The Senate adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

The Senate met.

The President appointed Senators Ensey, Bobbs, Tarkington, Sage and Freeland, as a special committee to enquire into the expediency of reporting a bill for the appropriation of money to prosecuting a geological survey of the State of Indiana, as required by resolution adopted this morning.

Senate bill No. 14. An act to provide for the approval of the official bonds of constable and justices of the peace.

Was read a second time.

On motion by Mr. Hostetler,

The bill was referred to the committee on the judiciary.

A message from the House, by Mr. Bowes, their Clerk.

MR. PRESIDENT:

I am directed, by the House of Representatives, to inform the Senate that the House has adopted the following resolution:

*Resolved*, That the Senate be invited to attend, instantler, in the hall of the House, to receive the annual communication of his Excellency, the Governor, and that seats be provided on the right of the Speaker's chair.

Which was laid on the table by the consent of the Senate.

A message from the House, by Mr. Bowes, their Clerk.

MR. PRESIDENT:

I am directed, by the House of Representatives, to inform the Senate that the House has passed the following resolution:

*Resolved*, That there be a committee of three appointed, to act with a similar committee on the part of the Senate, to revise the joint rules for conducting business in the two houses of the General Assembly of the State of Indiana, and that Messrs. Cullen, Steele, and Schermerhorn are appointed said committee on the part of the House.

In which the concurrence of the Senate is respectfully requested.



Mr. Brown moved to concur in the message from the House.  
Which was agreed to

The President appointed, on the part of the Senate, Senators Cravens, Tarkington, and Crane, as said committee.

*Ordered*, That the secretary inform the House thereof.

The following message was received from the House, by Mr. Bowes, their Clerk:

MR. PRESIDENT:

I am directed, by the House of Representatives, to inform the Senate that the House has passed the following engrossed bill thereof:

House bill No. 2. A bill ceding to the United States of America, jurisdiction over certain lands, and their appurtenances, in the city of Indianapolis, and exempting the same from taxation.

In which the concurrence of the Senate is respectfully requested.

House bill No. 2, contained in the foregoing message, was read a first time.

Mr. Bobbs moved to suspend the rules and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Brown, Burke, Chapman, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hefren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Mathes, Murray, McClure, McLean, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson. Stevens, Suit, Thompson, Weir, Weston, Wilson, and Woods—39.

*Those who voted in the negative were.*

Messrs. McCleary and Yaryan—2.

So the rules were suspended and the bill read a second time.

Mr. Bobbs moved to suspend the rules and read the bill a third time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bobbs, Burke, Crane, Cravens, Crouse, Ensey, Gooding, Griggs, Hefren, Murray, McClure, McLean,

Parker, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Wallace, Weir, Wilson, and Woods—25.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Brown, Chapman, Drew, Freeland, Green, Hargrove, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Rice, Sage, Thompson, Weston, and Yaryan—20.

So the rules were not suspended.

*Ordered*, That the bill pass to a third reading on to-morrow.

The following message was received from the House by Mr. Bowes, their Clerk:

MR. PRESIDENT:

I am directed, by the House of Representatives, to inform the Senate that the House has passed the following preamble and resolution:

WHEREAS, It has been officially communicated to this House, that the office of State Librarian has become vacant; AND WHEREAS, it is indispensable for the proper discharge of their duties, that the General Assembly shall have access to the library; therefore,

*Resolved, by the House*, (the Senate concurring), That this House will proceed, on Saturday next, the 17th instant, at 10 o'clock, A. M., to the election of State Librarian.

In which the concurrence of the Senate is respectfully requested.

Mr. Freeland moved to lay the resolution contained in the message from the House, on the table.

The yeas and nays being demanded by Senators Slater and Weir,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Stevens, Suit, Thompson, Weir, Weston, and Yaryan—25.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, McClure, McLean, Rich-

ardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, Wilson, and Woods—21.

So the resolution was laid on the table.

# JOINT RESOLUTION.

Mr. Murray offered the following resolution :

*Resolved*, That (the House of Representatives concurring) John B. Dillon be elected State Librarian for the term of two years.

Mr. Slater moved to lay the resolution on the table.

The ayes and noes being demanded by Senators Parker and Griggs,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Drew, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, Wilson and Woods—21.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston and Yaryan—26.

So the motion to lay the resolution on the table did not prevail.

The question recurring on the adoption of the resolution,

The ayes and noes being demanded by Senators Hefren and Bearss,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston and Yaryan—26.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, Wilson and Woods—21.

So the resolution was adopted.

*Ordered*, That the Secretary inform the House thereof.

Mr. Cravens moved to take from the table the rules and pending amendments for the government of the Senate.

Which was agreed to.

On motion by Mr. Murry,

The rules and pending amendments were referred to a select committee of five.

The President appointed Messrs. Murray, Cravens, Slater of Dearborn, Drew and McLean, said select committee.

On motion by Mr. Suit,

The Senate adjourned until to-morrow, at 9 o'clock, A. M.

THURSDAY MORNING, 9 o'clock, }  
January 15, 1857. }

The Senate met.

The journal of the preceding day was read.

The President laid before the Senate the following communication and accompanying report:

OFFICE OF THE COMMISSIONERS OF SINKING FUND, }  
Indianapolis, January 13, 1857. }

HON. ABRAM A. HAMMOND,

*President of the Senate:*

SIR:—Herewith please to lay before the Senate the annual report of the Commissioners of the Sinking Fund.

Very respectfully,

E. DUMONT, *President.*

Which was laid upon the table, and 500 copies ordered to be printed for the use of the Senate.

The President laid before the Senate the following communication:

OFFICE OF THE SECRETARY OF STATE, }  
Indianapolis, Jan. 14, 1857. }

HON. A. A. HAMMOND,

*President of the Senate:*

A copy of the resolution, passed on the 13th instant by your body, calling on me "to lay before the Senate" information in reference to swamp lands, was received this day, and, in answer, I would state, that my term of office expired on the 16th, and it is impossible for me to comply with the resolution, in the time that is left me; to do so would require the work of eight clerks at least one week.

I can merely say, that up to this time there have been issued, north and west, 15,619 patents; south and west, 1,394 patents; north and east, 5,618 patents; and, of the lands entered at the U. S. land offices, after the passage of the act of Congress, September, 1850, and selected as swamp lands, and relinquished to the State by the purchasers, and by her patented to them, about 1,100.

This includes all the swamp land entries from the commencement, under my predecessor, Hon. Charles Test, up to this date.

Respectfully submitted,

ERASMUS B. COLLINS,

*Secretary of State.*

Which,

On motion,

Was referred to the committee on swamp lands.

The President of the Senate laid before the Senate the following communication from the Treasurer of State:

OFFICE OF TREASURER OF STATE, }  
Indianapolis, Jan. 14, 1857. }

HON. A. A. HAMMOND,

*President of the Senate:*

SIR:—I have just received the following resolution, passed by the Senate, to-wit:

"*Resolved*, That the Auditor of State and Treasurer of State be requested to communicate to the Senate any information which they may be in possession of, relative to frauds alleged to have been committed by certain county officers, in the management and sales of certain swamp lands."

The undersigned is not in possession of any evidence of fraud, on the part of county officers, in the sale of swamp lands.

Frauds have been alleged, however, to have been committed in Jasper county, on account of certain ditch contractors being permitted to purchase lands enough to pay them for the amount of their contracts, before they performed or finished their work.

The undersigned is informed that the contracts for ditching were made for land at the legal price, and that the contractors were unwilling to proceed with their work, unless they could be first secured in land enough to pay for it; and in order to do this, the undersigned is informed that the commissioner and engineer gave advance certificates upon the contractors, filing heavy penal bonds, with approved security, that they would execute their contracts.

Although the law does not authorize the issuing of certificates only as fast as the work is done, yet the undersigned is fully satisfied that neither the commissioner, engineer, or contractors, acted with the slightest intention to defraud, but, on the contrary, they believed they were adopting the only possible plan by which the swamp lands of that county could be reclaimed in any reasonable time.

In this county, there is a large district of swamp lands bordering upon the Kankakee, amounting to some seventy or eighty thousand acres. The lands would not sell, and there was no fund to drain them.

The swamp land commissioner, upon the request of the people and persons wishing to take contracts, let the ditching of this large district to the lowest bidders, upon the express condition that the ditchers take land for their work.

The undersigned is informed that some five or six companies bid off the most of this work, and that some of the companies have already done considerable work, and the others have made extensive preparations to do theirs within the contract time.

The undersigned has no hesitation in saying, that he believes the best interests of the county demand that these contracts be legalized, with such restrictions as the legislature in their wisdom may prescribe; and, also, that the interest of several swamp land counties require such a modification of the swamp land law to be made as fully to authorize the drainage of swamp lands, by letting the drainers have the lands for their drainage.

Thus far, in a large majority of the counties, even where the drainage can be accomplished with the most facility, and where the work is paid for in cash, it has taken the proceeds of the sale of all the lands to pay for their ditching, and in a number of counties the entire proceeds will be insufficient to drain them effectually.

Very respectfully,

W. R. NOFSINGER,

*Treasurer of State.*

Which,

On motion by Mr. Wallace,

Was referred to the committee on swamp lands.

The President laid before the Senate the following communication and accompanying report :

OFFICE OF THE BANK OF THE STATE OF INDIANA, }  
Indianapolis, January 14, 1857. }

HON. ABRAM A. HAMMOND,  
*President of the Senate :*

SIR :—Herewith I submit the annual report of this bank, for the 15th of November last, as required by its charter, together with a report from each of the branches of the bank which has been organized, and also a statement of the condition of the bank on the 2nd day of January, inst., the date of the commencement of its business : all of which you are respectfully requested to lay before the Senate.

I am your obedient servant,  
H. McCULLOCH, *President.*

Which,

On motion by Mr. McLain,

Was laid on the table and 500 order to be printed for the use of the Senate.

#### REPORTS FROM COMMITTEES.

Mr. Murray, chairman of the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary to whom was referred Senate bill No. 11, "A bill to regulate and facilitate the renting of lands to tenants," have had the same under consideration and have directed me to report the same back to the Senate and recommend its indefinite postponement.

The report was concurred in and the bill indefinitely postponed.

Mr. Yaryan, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary to whom was referred Senate bill No. 10, "A bill to amend the 43d section of an act entitled 'an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State ; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity ;' approved June 18, 1852," to-

gether with the pending amendments, have had the same under consideration, and instructed me to report the same back with one amendment, and when so amended to recommend its passage, viz:

Amend section one by striking out "sixty" and inserting "thirty" days.

Which report was concurred in and bill ordered to be engrossed.

Mr. Alexander, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred Senate bill No. 12, "A bill to enable the Governor, with the advice of the Auditor and Treasurer of State, and of the Attorney General, to compromise actions or causes of action, between the State and a citizen or citizens thereof," have had the same under consideration, and directed me to report it back and recommend that it be indefinitely postponed.

Which report was concurred in and the bill indefinitely postponed.

#### RESOLUTIONS.

On motion by Mr. Stevens,

*Resolved*, That the committee on education be instructed to inquire into the expediency of so amending the school law as follows:

*First*. To abolish the office of State Superintendent or else reduce his salary to a mere nominal sum, and require the State Auditor to purchase books for township libraries.

*Second*. Abolish the civil township trustee system for school purposes, and transfer the business to three trustees, to be elected by the people of each school district, one of said trustees to act as president of the board, one as clerk, and one as treasurer, and to hold their office for the term of one year, and no compensation whatever to be allowed to any member of said board for their services.

*Third*. Lay a tax of ten cents on each hundred dollars worth of taxable property in each county, for school purposes, to be distributed to the various school districts in each county, in proportion to the number of children therein, but no money collected for taxation to be transferred to any other county.

*Fourth*. County treasurers of each county to receive all moneys properly belonging to the common schools as set forth in section 2nd of the present school law, and any other fund that may hereafter be added to the common school fund, and also all moneys raised by taxation, and to distribute the same throughout each



county, to the various school districts in proportion to the number of children in each district, and to be allowed one-half of one per cent. for his services for so receiving and distributing said several funds.

Mr. Gooding offered the following preamble and resolution:

WHEREAS, The office of State Librarian is now vacant, AND WHEREAS, it is important that the members of this General Assembly have access to the books and public documents in said Library, which cannot be had legally without a Librarian, therefore,

*Resolved*, That the Senate will, the House of Representatives concurring, meet in the Hall of the House of Representatives on Friday, 23d inst, at 10 o'clock A. M., for the purpose of electing a State Librarian by joint ballot, and for no other purpose, and that said joint convention shall not then and there elect any other officer than State Librarian, and that so soon as said officer is elected the said joint convention shall be adjourned *sine die*.

Mr. Bearss moved to lay the resolution on the table.

The ayes and noes being demanded by Messrs. Slater of Dearborn and Johnston.

*Those who voted in the affirmatie were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston and Yaryan—26.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Kinley, Mansfield, Mathes, Miller, McCleary, McClure, McLain, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, Wilson and Woods.—24.

So the resolution was laid on the table.

Mr. Wallace offered the following resolution:

*Resolved*, That the judiciary committee be instructed to report to the Senate the situation of the investigation now proceeding before them, in the case of Le Roy Woods, a member of the Senate, together with all the papers filed in the case;

Which,

On motion by Mr. Murray,  
Was laid on the table.

On motion by Mr. Hill,

*Resolved*, That the committee on the judiciary be instructed to inquire and report to this body at as early a day as practicable, whether there is any law now in force in this State that will enable the owners of land through which a slough or swamp may pass, to force a ditch or drain through said land without the consent of all the owners thereof.

On motion by Mr. Tarkington,

*Resolved*, That the committee on county and township business inquire into the expediency of abolishing township assessors, and establishing county assessors, and that they report their opinion thereon to the Senate.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Rugg introduced

Senate bill No. 17. A bill to make colored persons competent witnesses in State prosecutions, or in proceedings or prosecutions for bastardy, in which the relators and defendants are colored persons.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Tarkington introduced

Senate bill No. 18. A bill to provide for the appraisement<sup>2</sup> of real property, and prescribing the duties of officers relating thereto.

Which was read a first time and passed to a second reading.

Mr. Tarkington moved to suspend the rules and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Green, Griggs, Hefren, Hendry, Hill, Hostetler, March, Mansfield, Mathes, Murray, McClure, McLean, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Suit, Tarkington, Thompson, Wallace, Weir, Weston, Wilson and Woods—41.

*Those who voted in the negative were,*

Messrs. Gooding, Hargrove, Johnston, Kinley, McCleary, Stevens and Yaryan—7.

So the rules were suspended and the bill read a second time by its title.

On motion by Mr. Tarkington,

The bill was laid on the table and 200 copies ordered to be printed for the use of the Senate.

By unanimous consent,  
Mr. Suit introduced

Senate bill No. 19. A bill making an allowance to the Governor for the purpose of furnishing the Governor's house.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Freeland introduced

Senate bill No. 20. An act authorizing the swamp land agent to estimate and pay for ditching in cases therein specified.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Green introduced

Senate bill No. 21. A bill to amend the 467th section of "An act to revise, simplify and abridge the rules, practice, pleadings and forms, in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleadings and practice, without distinction between law and equity;" approved June 18, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Chapman introduced

Senate bill No. 22. A bill to amend the 143d section of "An act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State;" approved June 21, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Rice introduced

Senate bill No. 23. A bill to amend the 103d section of chapter 1st and article 10th of the Revised statutes of 1852, and entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State;" approved June 17, 1852.

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

##### *House Bills on Second Reading.*

House Bill No. 2. A bill ceding to the United States of America jurisdiction over certain lands and their appurtenances in the city of Indianapolis, and exempting of the same from taxation.

Was read a third time,

And,

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Fisk, Freeland, Green, Griggs, Hargrove, Hefren, Hendry, Hill, Hostetler, Johnson, Kinley, March, Mansfield, Mathes, Murray, McClure, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Wallace, Weir, Weston, Wilson, and Woods—42.

*Those who voted in the negative were,*

Messrs. Bearrs, Ensey, and Yaryan—3.

So the bill passed.

*Ordered,* That the secretary inform the House thereof.

##### *Senate Bills on Second Reading.*

Senate bill No. 15. A bill fixing the compensation of executors and administrators, and to repeal section 148 of chapter 10, in volume 2 Revised Statutes, 1852.

Was read a second time,

And,

On motion by Mr. Suit,

Referred to the committee on finance.

Senate bill No. 16. A bill providing for the taxation of costs in cases when lands are attached by process from the circuit courts

and courts of common pleas, where the claim is less than fifty dollars.

Was read a second time,

And,

On motion by Mr. Hendry,

Referred to the committee on the judiciary.

On motion by Mr Parker,

*Resolved*, That when the Senate adjourn that it stand adjourned until to-morrow morning at 9 o'clock.

On motion by Mr. Murray,

The Senate adjourned.

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FRIDAY MORNING, 9 o'clock, }  
January 16, 1857. }

The Senate met.

The journal of the preceding day was read.

Message from the House by Mr. Bowes their clerk.

MR. PRESIDENT :

I am directed by the House to inform the Senate that the Speaker has signed enrolled House bill No. 2, a bill ceding to the United States of America jurisdiction over certain lands and their appurtenances in the city of Indianapolis, and exempting the same from taxation, which I bring to the Senate for the signature of the president thereof.

The President signed the bill.

The President laid before the Senate the following communication and accompanying report :

INDIANAPOLIS, Jan. 15, 1847.

*To the President of the Senate:*

SIR:—I am directed by the State Board of Colonization to lay before the Senate the accompanying report.

Respectfully,

THORNTON A. MILLS, *Secretary*.

On motion by Mr. Slater of Dearborn,

The report was laid on the table and 500 copies ordered to be printed for the use of the Senate.

The President laid before the Senate

The report of the condition of the branch at Lawrenceburgh of the Bank of the State of Indiana;

The report of the condition of the branch at Vincennes of the Bank of the State of Indiana;

The report of the condition of the branch at Terre Haute of the Bank of the State of Indiana;

The report of the condition of the branch at Madison of the Bank of the State of Indiana;

The report of the condition of the branch at Logansport of the Bank of the State of Indiana;

The report of the condition of the branch at Muncie of the Bank of the State of Indiana;

The report of the condition of the branch at Bedford of the Bank of the State of Indiana;

The report of the condition of the branch at Plymouth of the Bank of the State of Indiana;

The report of the condition of the branch at Rushville of the Bank of the State of Indiana;

The report of the condition of the branch at Laporte of the Bank of the State of Indiana;

The report of the condition of the branch at Lafayette of the Bank of the State of Indiana.

Which,

On motion by Mr. Freeland,

Were laid on the table, and five hundred copies of each ordered to be printed for the use of the Senate.

#### PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Suit presented a petition from sundry citizens of the State of Indiana, asking the passage of a law by the Legislature, protecting the people from the reckless practice of medicine and surgery by incompetent persons.

Which,

On motion by Mr. Suit,

Was laid on the table.

## REPORTS FROM STANDING COMMITTEES.

Mr. Murray, chairman of the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary to whom was referred Senate bill No. 9, "A bill defining embezzlement and prescribing the punishment thereof," have had the same under consideration and have directed me to report the accompanying bill as a substitute therefor and recommend its passage :

Senate bill No. 9. A bill defining embezzlement and prescribing the punishment therefor.

The report was concurred in and the bill ordered to be engrossed, and read a third time to-morrow.

Mr. Suit, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary to whom was referred a resolution of the Senate instructing them "to inquire whether under art. 2, sec. 2 of the constitution of this State, it is within the power of the General Assembly to enact a law defining the requisites constituting a residence and the length of the same in order to exercise the right to vote at the general elections," have had the same under consideration, and have directed me to report that, in their opinion, it is within the power of the General Assembly to enact such a law.

Which,

On motion by Mr. Suit,

Was laid on the table.

## RESOLUTIONS.

On motion by Mr. Hefren,

*Resolved*, That the Auditor of State be, and he is hereby requested, to inform the Senate of the amount of the circulation of the Gramercy bank at Lafayette, the amount and kind of bonds on deposit in his office to secure the redemption of the circulation of said bank, and also the present market value of said bonds.

On motion by Mr. Richardson,

*Resolved*, That the committee on organization of courts be in-

structed to inquire into the expediency of giving courts of common pleas jurisdiction to the amount of two thousand dollars in civil cases, and report by bill or otherwise.

On motion by Mr. Wallace,

*Resolved*, That the Auditor of State be required to report instant, as to the condition of Gramercy bank and Shawnee bank, setting forth whether there are any securities now in his office, belonging to those banks, and if so, what securities, and if not, when and under what circumstances they were taken out and by whom.

On motion by Mr. Rugg,

*Resolved*, That the doorkeeper of the Senate be directed to lay upon the table of Senators, their pro rata shares of the various reports of the State officers, made in 1855 and 1856, to the Governor and the Legislature respectively.

On motion by Mr. Tarkington,

*Resolved*, That the committee on county and township business inquire into the expediency and cheapness of abolishing the present township system, and the duties of township trustees, (except their duty under the school law) and transferring said duties to the board of county commissioners.

On motion by Mr. Wallace,

*Resolved*, That the committee on the organization of courts be instructed to inquire whether the act of 1852 organizing the Supreme Court was passed without a quorum voting therefor in either branch of the Legislature.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Drew introduced,

Senate bill No. 24. A bill to tax the premiums received by insurance companies, incorporated within this State, for the benefit of fire companies within the same.

Was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Wier introduced,

Senate bill No. 25. A bill to cure defects in the execution of deeds, mortgages and other instruments, or in the certificates of



acknowledgments to conveyances of real estate in certain cases herein specified.

Was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Stevens introduced.

Senate bill No. 26. A bill compelling railroad companies to raise all crossings of railroads, where the same are higher than the tops of the cars, to seven feet above the tops of the highest cars used upon said railroad.

Was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Sage introduced.

Senate bill No. 27. A bill amendatory of sections six and eight of the Revised Statutes of 1852.

Was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

#### *Senate Bills on third reading.*

Senate bill No. 10. A bill to amend the 433d section of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity;" approved June 18th, 1852.

Was read a third time.

Mr. Yaryan moved to recommit the bill to the committee on the judiciary with the following instructions:

Amend so as to apply to coroners and other officers to whom the execution may be directed; also that the officer shall forthwith proceed to advertise and sell the property so levied, unless otherwise instructed by the plaintiff, his agent or attorney.

Mr. Rice moved to amend the amendment as follows:

"Amend the bill by making it the duty of the sheriff to make a levy and offer of sale within three months, unless otherwise directed by the plaintiff or his agent."

Mr. Drew moved to lay the bill and pending amendments on the table.

The ayes and noes being demanded by Senators Drew and March,

*Those who voted in the affirmative were,*

Messrs. Alexander, Crane, Drew, Fisk, Gooding, Hefren, Hendry, Hostetler, Johnston, March, Mansfield, Mathes, Miller, Murray, McClure, Richardson, Rugg, Slater of Dearborn, Stevens, Weston and Wilson—21.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hargrove, Hill, Kinley, McLean, Parker, Rice, Sage, Slater of Johnson, Suit, Tarkington, Thompson, Wallace, Woods and Yaryan—27.

So the motion to lay the bill and amendments on the table was not agreed to.

On motion by Mr. Sage,  
The amendment to the amendment was laid on the table.

On motion,  
The bill and pending amendment was recommitted to the committee on the judiciary.

#### SENATE BILLS ON SECOND READING.

Senate bill No. 17. An act to make colored persons competent witnesses in State prosecutions and in proceedings and prosecutions for bastardy, in which the relators and defendants are colored persons.

Was read a second time.

Mr. Suit moved to refer the bill to the committee on benevolent institutions ;

Which was not agreed to.

Mr. Rugg moved to refer the bill to the committee on the judiciary ;

Which was agreed to.

Senate bill No. 19. A bill making an allowance to the Governor for the purpose of furnishing the Governor's house.

Was read a second time.

On motion by Mr. Suit,  
The bill was referred to a select committee of three.

The President appointed Senators Suit, Hefren and Alexander, as said select committee.

Senate bill No. 20. An act authorizing the swamp land agent to estimate and pay for ditching in cases therein specified.

Was read a second time,

And,

On motion by Mr. Sage,

Was referred to the committee on swamp lands.

Senate bill No. 21. A bill to amend the four hundred and sixty-seventh section of an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases, in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleadings and practice, without distinction between law and equity, approved June 18, 1852.

Was read a second time,

And,

On motion by Mr. Alexander,

Was referred to the committee on the organization of courts.

Mr. Gooding moved that the committee be instructed as follows:

Amend by striking out all that relates to notice by publication in a newspaper.

Which was not agreed to.

Mr. Rugg moved to instruct the committee as follows:

Amend by providing that all publications shall be in writing, unless the same can be done in a newspaper, for a fee and price not exceeding ten cents per hundred words.

Which,

On motion by Mr. Weir,

Was laid on the table.

Mr. Green moved that the committee be instructed to amend the bill as follows:

Amend by adding, "that in case two papers are published equally near the land, then that publication may be made in either of said papers."

Which was not agreed to.

Senate bill No. 22. A bill to amend the one hundred and forty-third section of an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes, in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property,

county treasurers and auditors, and of the Treasurer and Auditor of State, approved June 21, 1852.

Was read a second time,

And,

On motion by Mr. Hefren,

Referred to committee on county and township business.

Senate bill No. 23. A bill to amend section 103 of chapter first and article tenth of the revised statutes of 1852, and entitled "an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in criminal actions, in the courts of this State," approved June 17, 1852.

Was read a second time,

And,

On motion by Mr. Hefren,

Was referred to the committee on the judiciary.

On motion by Mr. Alexander,

Mr. Woods was granted leave of absence.

The following message was received from the House, by Mr. Bowes their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

House bill No. 4. A bill to amend the fourth section of an act entitled "an act touching the relation of guardian and ward," approved June 9, 1852.

In which the concurrence of the Senate is respectfully requested.

House bill No. 4. A bill to amend the fourth section of an act entitled "an act touching the relation of guardian and ward," approved June 9, 1852,

Contained in the foregoing message,

Was read a first time and passed to a second reading.

The following message was received from the House, by Mr. Bowes their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the following resolution of the Senate:

"*Resolved*, That (the House concurring) John B. Dillon be elected State Librarian, for the term of two years."

With the following amendment: Strike out all after the resolving clause and insert:

"That the General Assembly will, on Monday next, at 2 o'clock, P. M., proceed, by a joint vote, to the election of State Librarian, to serve as such for two years, as required by the first and second sections of an act regulating the election and duties of State Librarian."

In which the concurrence of the Senate is respectfully requested.

Mr. Murray moved to lay the message and the amendment therein contained on the table.

The ayes and noes being demanded by Messrs. Gooding and Wallace,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, and Yaryan—27.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Heiren, Hostetler, Johnston, Mansfield, Mathes, McCleary, McClure, Richardson, Rugg, Slater of Dearborn, Tarkington, Wallace, Wilson, and Woods—20.

So the motion to lay on the table was agreed to.

By unanimous consent, the rules were suspended;

And,

On motion by Mr. Murray,

*Resolved.* That when the Senate adjourn it stand adjourned until to-morrow morning at 9 o'clock.

The following message from the House, by Mr. Bowes their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution, to wit:

*Resolved,* That a committee of three, on the part of this House be appointed to act with a like committee on the part of the Senate, to examine into the securities of the various free banks of the State

of Indiana, and that the Senate be informed of the passage of this resolution."

In which the concurrence of the Senate is respectfully requested.

Messrs. Schermerhorn, Humphreys, and Branham are said committee on the part of the House.

Was concurred in.

The president appointed Messrs. Burke, Tarkington, and Johnston the committee on the part of the Senate.

*Ordered*, That the secretary inform the House thereof.

On motion by Mr. Suit,  
The Senate adjourned.

SATURDAY MORNING, 9 o'clock, }  
January 17th, 1857. }

The Senate met.

The journal of the preceding day was read.

The President laid before the Senate the following communication :

OFFICE AUDITOR OF STATE, }  
Indianapolis, January 16, 1857. }

TO THE HON. A. A. HAMMOND,

*President of the Senate:*

SIR:—In compliance with a requisition made of me by a resolution of the Senate, "to report instantaneously as to the condition of the Gramercy bank and the Shawnee bank," I beg leave to submit the following :

The condition of the Gramercy bank on the 22d day of November, A. D., 1856, was as follows :

Circulation outstanding .....	\$31,383
Bonds on hand—	
Indiana 5 per cents .....	\$15,000
Virginia 6 per cents .....	2,000
Louisiana 6 per cents .....	10,000
Missouri 6 per cents .....	7,000
	<hr/> \$34,500

The condition of the Shawnee bank on the same day, Nov. 22, 1856, was as follows :

Circulation outstanding .....	\$21,171
Bonds on hand—	
Indiana 5 per cents .....	\$4,000
Indiana 2½ per cents .....	15,187
Louisiana 6 per cents ..	12,500
	<hr/> \$31,687

These banks were both the property of Charles M. Wheelock and Edward F. Nexsen, residing at Lafayette. The former, Mr. Wheelock, came to this office not long since and informed me that it was their intention to withdraw the circulation of both banks and invest their entire capital in the Bedford branch of the bank of the State of Indiana, with which they had recently become connected. For this purpose he desired to withdraw the stocks on deposit in my office, and supply their place with gold for the redemption of the circulation. I declined his proposition, and a few days afterwards he returned with a bond of indemnity in the sum of 66,000, signed by several gentlemen of wealth and respectability, of Lafayette and vicinity. Relying upon this security and upon the integrity of the applicant, and desirous of rendering every accommodation in my power, I yielded to his solicitations and surrendered the bonds, amounting as per statement to \$66,187, which have not yet been returned. I was further influenced to this departure from the rules and customs of the office, by a knowledge of the respectable character and connection of Mr. Nexsen, who was regarded as a man of wealth and honor, and who had but recently been elected to the presidency of the branch bank at Bedford.

Whether anything will be recovered from the parties to this fraud, cannot yet be determined. Prompt measures will, however, be taken either to enforce collection of the bond, or prevent the transfer of the stocks thus fraudulently obtained to innocent parties. The circumstance has occasioned me deep regret, but I trust will not eventuate in serious loss to the public.

Respectfully submitted,

H. E. TALBOTT,

*Auditor of State.*

Which,

On motion by Mr. Slater of Dearborn,  
Was referred to committee on banks.

## REPORTS FROM STANDING COMMITTEES.

Mr. Murray, chairman of the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary to whom was referred a resolution of the Senate, instructing them "to inquire whether there is any law now in force in this State, that will enable the owners of land through which a slough or swamp may pass, to force a ditch or drain through said land without the consent of all the owners thereof," have had the same under consideration, and have directed me to report that, from examination made, they are of the opinion there is no such law now in force in this State. They ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Slater, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary to whom was referred a resolution of the Senate, instructing them "to inquire in the expediency of repealing all valuation and appraisement laws on personal property to be sold on execution," have had the same under consideration, and have directed me to report to the Senate that they deem all such legislation inexpedient at this time, and ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Murray, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred the resolution of the Senate, requiring the committee to inquire "by what right Leroy Woods holds his seat as Senator, from the county of Clark, and whether he has been elected, appointed to, or acted in any other official capacity, or held, or received the emoluments of any other lucrative office, or offices of trust or profit, since his election to the office of Senator," &c., beg leave to report, that in accordance with the instructions of the Senate, they have endeavored to discharge that duty, and they find the following facts :

That the said Leroy Woods was duly elected a Senator from the county of Clark, at the annual election in 1854, to serve for the



term of four years; that at the commencement of the session of the Senate, January 1855, he appeared, presented his credentials, and was duly sworn into office as Senator.

The committee found no one contesting the validity of his election, and his original right to take his seat as such Senator, in January, 1855.

Upon the second branch of the resolution, the committee report the following facts as having been admitted and proved before the committee: That in August, 1853, the then Governor of Indiana, Joseph A. Wright, appointed and commissioned the said Leroy Woods as "Chaplain of the State Prison," by virtue of the act of the General Assembly, approved May 27, 1852, entitled "An act for the regulation of the Penitentiary." See R. S. 1852, vol. 1, pp. 392. This commission was for the term of one year. In the month of October, 1854, and a short time after his commission had expired, but while continuing to act as such chaplain, he was elected as such Senator, but, by the request of Governor Wright, continued to act as such chaplain until he took his seat as Senator.

During the session of 1855, and while Mr. Woods was such Senator, an act passed the General Assembly, and was approved by the Governor March 3d, 1855, entitled "An act to provide for the election of officers for the State Prison," and for the appraisement of the property of said Prison, requiring the Governor to appoint a "moral instructor" for said Prison, at a salary of five hundred dollars per annum.

By an act passed at the same session, approved March 3, 1855, entitled "An act to provide for the government and discipline of the State Prison," the act of May 1852, authorizing the appointment of chaplain for the State Prison, was repealed.

The committee further find that immediately after the adjournment of the last Legislature, Mr. Woods returned to Jeffersonville, and by the request and approbation of Gov. Wright, entered upon, and from that time until the present, has continued to act in the capacity of "moral instructor" for the State Prison; that he has received at the State Treasury about the sum of eight hundred dollars on account of salary as "chaplain" and "moral instructor" for the State Prison, exclusive of any sum for the purchase of books. The committee would here remark that Mr. Woods claims that a considerable portion of the sum drawn by him, has been expended in the purchase of books, bibles, &c., for the use of the convicts. Upon what authority, other than the direction of the Governor, we are unable to find, as the law of 1852, authorizing the expenditure of a sum not exceeding fifty dollars per annum for that purpose, was repealed by the act of 1855, and that act does not, in terms, or by implication, invest him with any authority to make such investment.

The committee further find that the greater portion of the funds drawn from the treasury towards the salary of Mr. Woods, was drawn upon the receipt of Mr. Woods per Joseph A. Wright.

Gov. Wright was before the committee and examined under oath, and an abstract of his testimony is reported herewith. It is proper here to say that Mr. Woods in person and by his counsel admitted before the committee that he had served in said office at the request and verbal appointment of the Governor, and had discharged its duties, and received a part of the emoluments of the office. Upon this admitted and agreed statement of facts, it was and is urged by Mr. Woods and his counsel, that although he may have thus been appointed by Gov. Wright informally, however, as it was and discharged its duties, receiving his compensation, yet that he cannot be said to have *accepted* and *held* the office in contemplation of the constitution, because being a member of the legislature of 1855, which passed the law creating the office of "Moral Instructor," he was ineligible to the office, and could not legally accept and hold the same.

The constitution art. 4, sec. 30, says: "No Senator or Representative shall, during the term for which he may have been elected be eligible to any office, the election to which is vested in the General Assembly; nor shall he be appointed to any civil office of profit, which shall have been created, or the emoluments of which shall have been increased during such term."

If Mr. Woods was before us as a court, upon a *quo warranto* for holding the office of "Moral Instructor," with the facts admitted in this case, we should most unhesitatingly decide that he was ineligible and could not legally hold the office; but we conceive the question for us to decide is, whether Mr. Woods, of his own act, and with the full consent of his own mind has exercised the functions of an office and received its emoluments. It was admitted by the counsel for Mr. Woods, and it is unquestionably true, that it did not require an actual written appointment and commission from the Governor, the verbal request of the Governor, and the acceptance and entering upon the discharge of the duties of the office and receiving its salary, is sufficient to constitute him an officer in contemplation of the law.

Is it competent for Mr. Woods, after thus accepting, holding and receiving the emoluments of the office, to come back to use and say, "it is true that I have thus done every act necessary to constitute an acceptance and holding of the office, but yet I have not done so in contemplation of law, because I could not." It is unquestionable that Mr. Woods is *de facto* Moral Instructor of the State prison, though a court competent to decide the question might and would say that he was not so *de jure*. The question of the right of Mr. Woods to hold the office of Moral Instructor and to remove him is not before us, and we have no power as a Senate to apply the remedy, but as a Senator and whether he has vacated his office by his own act we have the power to decide; and a majority of the committee concur in the opinion that Mr. Woods has accepted the office of Moral Instructor, discharged its functions and received the emoluments, whether he had the qualifications to

enable him to hold the office or not ; certainly the spirit of the constitution which forbids one man to "hold more than one office of trust and profit at the same time" has been violated in the case of Mr. Woods, and as the courts hold that in such case, the acceptance of the latter office, vacates the former, Mr. Woods has vacated his seat in the Senate and it is now vacant. We recommend the adoption of the following resolution :

*Resolved*, That Leroy Woods, by accepting the office of Moral Instructor of the States prison, discharging its duties and receiving the emoluments thereof, since his election as a Senator from the county of Clark, has vacated his office of Senator, and he is not entitled to a seat in the Senate.

On motion by Mr. McLain,

The further consideration of report was postponed until Tuesday next, at two o'clock P. M.

Mr. Hendry, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred Senate bill No. 16, "An act providing for the taxation of costs in cases where lands are attached by process from the circuit courts and courts of common pleas, where the claim is less than fifty dollars," have had the same under consideration, and have directed me to report the same back to the Senate with the following amendment, and when so amended to recommend its passage :

Amend by inserting at the end of sec. 1st, "*Provided*, The attachment against the land is sustained by the court."

Which was concurred in, the bill ordered to be engrossed and read a third time to-morrow.

Mr. Chapman, from the committee on county and township business, made the following report :

MR. PRESIDENT :

The committee on county and township business to whom was referred Senate bill No. 22, A bill to amend the 143d section of an act entitled an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State; approved June 21, 1852, have had the same under consideration

and directed me to report the same back without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed and read a third time to-morrow.

#### RESOLUTIONS.

On motion by Mr. Freeland,

*Resolved*, That when the Senate adjourns, it adjourn to meet on Tuesday morning at 9 o'clock.

Mr. Hostetler offered the following resolution :

*Resolved*, That so much of the annual message of the Governor as relates to corruption on the part of Senators who voted for the passage of a law chartering a State bank at the last session of the Legislature, and particularly that portion of the same which reads as follows :

"The means and appliances brought to bear to secure the passage of this charter would, if exposed to the public gaze exhibit the darkest page of fraud and corruption that ever disgraced the Legislature of any State ; whilst men of pure and honorable sentiment were led into its support, in the belief that the approaching close of the existing bank required them thus early to provide a successor ; others supported it upon promise of stock, equivalents in money, or pledges as to the location of particular branches. To made up the constitutional vote in its favor, the names of members were recorded in its passage who were, at that moment absent and many miles distant from the capitol," be and the same is hereby referred to a select committee of five, to be appointed by the President of the Senate, with instructions to inquire into the truth of the charges made by the Governor, and report the facts to the Senate, and that said committee have power to send for persons and papers, and that said committee be authorized to inquire into and report as to the agency and conduct of the commissioners, and the commissioners to receive subscriptions of stock, in the alleged frauds and misconduct therein named or referred to.

The ayes and noes being demanded by Messrs. Suit and Alexander,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Gooding, Green, Griggs, Hargrove, Hefren, Hendry, Hill, Hostetler, Kinley, March, Mansfield, Mathes, Murray, McCleary, McClure, McLain, Parker, Rickardson, Rice, Rugg, Sage, Slater of Dearborn, Slater

of Johnson, Stevens, Suit, Tarkington, Thompson, Wallace, Weir, Weston and Yaryan—45.

No Senator voting in the negative.

So the resolution was adopted.

The President appointed Messrs. Hefren, March, Bobbs, Gooding and Wilson as said select committee.

The President laid before the Senate the depositions of Allen Nixon, A. F. Smith and J. J. Davis, in the case of the contest of the seat of the Hon. Hugh Miller and Kline G. Shryock.

Which was referred to the committee on elections.

By unanimous consent, the rules were suspended, and

Mr. Tarkington introduced the following resolution:

*Resolved*, That the parties in the contested election case of Shryock and Miller have power to send for persons and papers.

Mr. Bearss moved to lay the resolution on the table.

The ayes and noes being demanded by Senators Parker and Slater of Dearborn,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cra-  
vens, Crouse, Ensey, Green, Griggs, Hendry, Hill, Kinley, March,  
Murray, Parker, Rice, Stevens, Suit, Thompson, Weir, Weston and  
Yaryan—24.

*Those who voted in the negative were,*

Messrs. Alexander, Crane, Drew, Fisk, Gooding, Hargrove,  
Hefren, Hostetler, Mansfield, Mathes, McCleary, McClure, Mc-  
Lain, Richardson, Rugg, Sage, Slater of Dearborn, Slater of John-  
son, Tarkington and Wallace—20.

So the resolution was laid on the table.

Mr. Bearss moved that the Senate adjourn.

Which was not agreed to.

Mr. Wallace moved to suspend the rules to introduce a bill.

Which was not agreed to.

On motion by Mr. Brown,

The Senate adjourned.

TUESDAY MORNING, 9 o'clock, }  
January 20, 1857. }

The Senate met.

The journal of Saturday was read.

The President laid before the Senate the following communication:

Hon. A. A. HAMMOND,  
*President of the Senate:*

SIR:—Please lay before the Senate the accompanying communication in reply to a resolution of the Senate of the 12th instant.

Respectfully your ob't servant,

H. E. TALBOTT,  
*Auditor of State.*

STATE AUDITOR'S OFFICE, }  
Indianapolis, Jan. 19, 1857. }

Hon. A. A. HAMMOND,  
*President of the Senate:*

SIR:—In reply to a resolution adopted by the Senate on the 12th inst., calling on the Auditor and Treasurer of State to communicate to the Senate any information which they may be in possession of, relative to frauds alleged to have been committed by certain county officers, in the management and sale of swamp lands, I have to say that there is no information in my possession establishing frauds on the part of county officers in the sale of swamp lands. Presuming however, that the resolution of the Senate has reference to certain transactions, which have recently taken place in Jasper county, in relation to contracts for ditching and lands taken in payment thereof, it may be proper to give a brief history of the matter so far as I have knowledge of it. Soon after I came into office it was ascertained that there was a large balance due from the State Treasury to the swamp land fund, and that extensive contracts for ditching and drainage had been made during the preceding year. Finding it difficult, in the then condition of the treasury, to meet the payments on these contracts it was deemed indispensable to suspend further lettings, unless contractors would take lands in payment of their contracts; circulars to this effect were issued by the Governor and Treasurer of State, which may be found on pages 39,

40 and 41 of Auditor's Report of 1855. Under this arrangement a considerable amount of drainage was accomplished, the contractor producing the estimate of the engineer, upon which a warrant issued, which was received by the county treasurers, in payment for swamp lands, thus making the lands answer the purpose of money. In this way much work was done which otherwise would have been left undone, and doubtless caused the sale of many tracts of land which without such ditching being done, would most probably remained on hand. In some counties complaints were made to this department that so soon as it was ascertained that the lands were being drained, speculators sought to purchase them. For the purpose of protecting contractors, instructions were sent to some counties from this office, directing the swamp land treasurers to withhold from sale lands selected by contractors until they could finish their work and obtain estimates. No complaint as to the operation of this system, has been received from any quarter except the county of Jasper. In that county it is reported that estimates have been given to contractors in anticipation of the completion of their work, upon which estimates certificates have been issued and lands purchased. In all such cases it is understood that contractors gave bond and security for the completion of their contracts. No instructions were ever given from this office to issue estimates until the work was completed, nor had I any knowledge until it was done that such a course was being pursued by the county authorities; although the course adopted by the authorities of Jasper county is not strictly legal, it is to be presumed that their action was influenced by good motives and without intending to countenance fraud.

Very respectfully,  
H. E. TALBOTT,  
*Auditor of State.*

Which,

On motion by Mr. Crane,  
Was referred to the committee on swamp lands.

#### PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Weir introduced a petition from sundry citizens of Laporte county, praying the passage of a law directing county auditors to subscribe for one copy of the "Indiana Journal of Education," for the use of the school board in each county; also authorizing the county commissioners to make appropriations to teachers institutes, &c.

Which,

On motion by Mr. Murray,  
Was referred to the committee on education.

Mr. Drew introduced a petition from sundry citizens of Vanderburgh county, praying the passage of a law directing the auditor

of each county to subscribe for one copy of the "Indiana School Journal" for the use of his office, also one copy for use of the school board of the county.

Which was referred to the committee on education.

Mr. March introduced a memorial from a committee of the "State Teachers Association of Indiana," on the subject of a geological survey of the State of Indiana.

Which,

On motion by Mr. March,

Was referred to the select committee on geological survey already appointed.

Mr. Blair introduced a memorial from a committee of the "State Medical Society of Indiana," on the subject of the practice of medicine, surgery, &c.

Which,

On motion by Mr. Freeland,

Was laid on the table.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Wallace made the following minority report from the committee on the judiciary:

**MR. PRESIDENT:**

The undersigned, a minority of the Senate judiciary committee, beg leave to make the following report, in the case of the Hon. Leroy Woods, senator from the county of Clark:

By usage, the presiding officer of the Senate in Indiana has always been permitted to select the various committees and appoint their chairman.

At this session, however, for the first time, that power conceded, we say, by courtesy if not made legal right by precedent, was taken from the president and exercised by a republican majority.

Without stopping to deny its legality, or discuss the propriety, without pretending to state positively the objects of such a course, it is our belief that one of the results sought thereby was by such a formation of the elective and judiciary committees, by securing republican majorities on them, to settle for themselves the rights of gentlemen claiming seats in this body, and control, in their own way, examinations pertinent thereto.

By this the undersigned mean that the majority of the judiciary committee do not constitute an impartial tribunal for the trial of Leroy Woods, in other words, that they are self selected, for the purpose of that trial, a fact not to be forgotten by the Senate any more than it will by the people.



If Mr. Woods had been on trial charged with a criminal offense, would a court desiring to do justice permit six gentlemen to *select* and empanel themselves as his triers? The majority of the committee concluded their report by recommending the adoption of the following resolution:

*“Resolved, That Leroy Woods, by accepting of the office of moral instructor for the State Prison, discharging its duties, and receiving the emoluments thereof, since his election as a senator from the county of Clark, has vacated his office of senator, and he is not entitled to his seat in the Senate.”*

This resolution is the conclusion of the majority. It does not astonish us. We anticipated it from the beginning; but we will be excused from pronouncing it as most extraordinary in point of fact as well as law. The duties required of the committee were two fold:

*First*—To inquire by what right Leroy Woods holds his seat as senator from the county of Clark.

*Second*—To inquire whether he has been elected, appointed to, or acted in any other official capacity, or held or received the emoluments of any other lucrative office or offices of trust or profit since his election to the office of senator, &c.

There is no mistake about those being the duties, the only duties required of the committee. The language quoted is that of the original resolution of instruction, and is difficult only for misconstruction.

Granting this, with what propriety does the majority presume to instruct the Senate as to its further action? It is certainly as much a transcending of propriety as if a jury charged to inquire whether a person is guilty or not, had first found him guilty, then suggested a mode of punishment to the court. Yet the suggestion would have been in imminent consistence with the principle of self-selection.

The resolution of the majority, in our opinion, smells loudly of a foregone conclusion.

By what right does Leroy Woods hold his seat as senator from the county of Clark? The answer is plain. He holds his seat by virtue of an election thereto by the people of Clark county, in 1854. In proof that this election was legal, and that he complied with all requirements subsequent thereto, essential to the perfection of his rights as Senator, we quote from the majority report itself. That report admits the finding of the following facts:

*First*—That the said Leroy Woods was duly elected a senator from the county of Clark, at the annual election in 1854, to serve for the term of four years.

*Second*—That at the commencement of the session of the Senate, January, 1855, he appeared, presented his credentials, and was duly sworn into office as senator.

*Third.*—That no one was found contesting the validity of his election, and his original right to take his seat as such Senator, in January, 1855.

As to the question by what right he holds his seat, these admissions are satisfactory to us, whatever they may be to the Senate. They establish beyond dispute, the absolute right of Mr. Woods, as a Senator in 1855. They also place the majority in a singular category, driving them into an attempt to vacate his place at the same time that they admit his legal right to that place. To maintain the recommendation to vacate his seat, the majority entrench themselves behind certain facts found under the second branch of the resolution. Now what are those facts? We quote almost literally from the majority report.

In August, 1853, the Governor of Indiana, Joseph A. Wright, appointed and commissioned the said Leroy Woods as "chaplain" of the State Prison, by virtue of the act of the General Assembly, approved May 27, 1852, entitled "An act for the regulation of the Penitentiary." R. S. vol. 1, 392. This commission was for the term of one year. In the month of October, 1854, and a short time after his commission had expired, but while continuing to act as such chaplain, he was elected as such Senator, but by request of Gov. Wright, continued to act as such chaplain until he took his seat as Senator during the session of 1855, and while Mr. Woods was such Senator, an act passed the General Assembly, and was approved by the Governor March 3, 1855, entitled, "An act to provide for the election of officers for the State Prison, and for the appraisement of the property of said prison," requiring the Governor to appoint a "moral instructor" for said prison, at a salary of five hundred dollars per annum.

By an act passed at the same session, approved March 3, 1855, entitled "An act to provide for the government and discipline of the State Prison, the act of May, 1852, authorizing the appointment of "chaplain" for the State Prison, was repealed. Immediately after the adjournment of the last Legislature, Mr. Woods returned to Jeffersonville, and by the request, and with the approbation of Gov. Wright, entered upon, and from that time until the present, has continued to act in the capacity of "moral instructor" for the State Prison; that he has received at the State Treasury about the sum of eight hundred dollars on account of salary as "chaplain" and "moral instructor" for the State Prison, exclusive of any sum for the purchase of books; that the greater portion of the funds drawn from the Treasury towards the salary of Mr. Woods, was drawn upon the receipt of Mr. Woods per Joseph A. Wright; finally, that Mr. Woods had served in said office of moral instructor at the request and by the verbal appointment of the Governor.

Now, after admitting the legality of Mr. Woods' election in 1854, after admitting that in 1855 he appeared, presented his credentials and was duly sworn into office, after admitting that no one then

contested either the validity of his election or his original right to take his seat, the majority set up the above facts, and coolly resolve to reject him. Their proposition is, that being a Senator, by becoming *de facto* "moral instructor," he brought himself within the prohibition, "one man shall not hold more than one office at the same time," and has vacated his first office of Senator.

That one man cannot hold two offices of trust and profit at the same time, the undersigned are willing to admit, but we deny that this is a case of that character. We say first, that moral instructor for the State Prison is not an office within the meaning of the constitution; if an office at all, it is one of the same class as attorney at law, deputy clerk, notary public and clerk of the warden of the penitentiary, all of which are places of trust and profit, and created by statute, but any two of which, the same person might hold at the same time, without working a forfeiture of either. We say next, that if it is an office within the meaning of the constitution, Mr. Woods never became "moral instructor."

The law, act of 1855, requires appointment by the Governor, but he was neither appointed nor commissioned, nor was he sworn. To be an officer *de facto* is not sufficient, the constitution can only operate on an office *de jure*, and this Mr. Woods could not be without formal appointment as required by law.

On this point it is immaterial to us what counsel admitted away, to form a judgment is our duty regardless of concessions by parties concerned, yet it is due the attorneys engaged by Mr. Woods to say their admission on this head were merely for arguments sake. But past these points the undersigned proceed straight to the very section of the constitution on which the majority have rested their resolution, sec. 30, art. 4, it reads, no senator or representative shall, during the term for which he may have been elected, be eligible to any office the election to which is vested in the General Assembly, nor shall he be appointed to any civil office of profit which shall have been created or the emoluments of which shall have been increased during such term.

If Mr. Woods had no other ground for reliance, this clear provision would be sufficient for him and we frankly admit that upon it more than any other we base our opinion. It is expressly applicable to Senators. It sets an absolute prohibition upon them during their term of office. Its reading is simply, "a senator shall not be appointed to any civil office of profit created during his term. The facts reported by the majority show that Mr. Woods was a senator in 1855, and that at the same session of the legislature at which he appeared and took his seat, the act creating the office of moral instructor was passed and approved, and thus he was brought directly within the operation of sec. 30, above quoted.

In this view of the case we find ourselves addressed with the questions, Mr. Woods being a Senator in 1855, and the office of moral instructor for the State prison, having been created in 1855, was he not disqualified from holding the place? And if he was

disqualified by the constitution, can this legislature, or rather this Senate invest him with that office, for any purpose whatever? To vacate a seat can the Senate rise in power above the constitution? Can it presume to do what that instrument has so pre-emptorily forbidden. We say he was disqualified, and so do the majority. Their language is "if Mr. Woods were before use upon a *quo warranto* for holding the office of moral instructor, with the facts admitted in the case, we should unhesitatingly decide that he was ineligible and could not legally hold the office." Do the majority mean to say that their consciences as judges would not be what they are as senators. Or do they wish to be understood as asserting what is quite as absurd, namely, that Mr. Woods in their opinion could not legally hold the office of moral instructor. But it is all the same, having the power they will vacate his seat precisely as if he had been eligible and had legally held it.

If the Senate believe that Mr. Woods was ineligible and could not legally hold the office of moral instructor, and yet that he did hold it *de facto*, the question is as to the morality or immorality of his conduct, since it is not proposed to censure him, but as to the effect of that holding upon his office of Senator. Is the latter office thereby vacated? The majority reply affirmatively, and even say that the courts have so decided. On the other hand we say the question is original and has not been settled one way or the other. The case relied on is that of Dailey *vs.* the State, on relation of Huffer, VIII. Blackford 329. That was on information in the nature of *quo warranto*, on the relation of Jacob Huffer *vs.* Esaias Dailey, charging that the latter on the 7th of September, 1840, was the recorder of Adams county, Indiana, and that on that day he accepted, was sworn into, and entered upon the duties of the office of county commissioner of said county. The averment of the relator was that, by his acceptance of the office of county commissioner, he forfeited and vacated that of county recorder. The defendant was of course ousted of the recordership. To this ruling the undersigned take no exceptions. We merely say it is not applicable to the case of Leroy Woods.

The distinction between the cases is easily drawn. Dailey could not hold the two offices of commissioner and recorder at the same time, but, being recorder, he was not for that reason ineligible as commissioner: on the contrary the courts permitted him to accept the latter office, and merely vacated the first. But Mr. Woods, being senator, had against him the constitutional declaration, viz: that he should not be appointed during his senatorial term to the office of moral instructor for the State Prison. The effect is that Mr. Woods cannot nor could not hold the moral instructorship, while his rights as senator from the county of Clark remain wholly unaffected and beyond the reach of this honorable body. When the majority arrive at this point they grow humble as so many Uriah Heaps, and say, "the question of the right of Mr. Woods to hold the office of moral instructor is not before us, and we have no

power as a senate to apply the remedy." But immediately they add, "as a senator, and whether he has vacated his office by his own act we have the power to decide," &c. That is, as a moral instructor, they cannot and will not pursue him to punishment, but as a senator they can and will. If the seat of Mr. Woods on this floor is vacated, as proposed, is not that in the nature of a penalty inflicted? Will he not be subjected to shame, deprived of the honor and emoluments of his office, and sent home as for a crime committed? And will not the Senate have assumed the powers of a court, and as such violated the constitution, by which, among other things, "every man is guarantied the right to a public trial by an impartial jury?"

Having punished him here for acting as moral instructor for the State Prison, you drive him home and hand him over to the tender mercies of the fellows who have brought this degradation on him, slyly telling them "it is not enough that we ousted him as senator," the night after he arrives in Jeffersonville inform on him, and have him further prosecuted for usurpation of office. The constitution says truly enough "a man shall not twice be put in jeopardy;" that makes no difference—crucify him.

The undersigned are of opinion that if Mr. Woods has been guilty of usurpation of office, it is not in the province of the Senate to punish him, directly or indirectly, by vacating his seat; neither can they understand his conduct as so dishonorable or immoral that he is now unfit for association with the other members of this honorable body. If he has suddenly become infamous, it must be either in consequence of his preaching the gospel to the convicts or of drawing money from the State Treasury for that preaching.

It only remains to be seen whether republican senators will now turn their hands against their most powerful auxiliaries in the political fields, and denounce their calling, and say of them—preaching Christ is not worthy pay, but rather deserving punishment.

LEWIS WALLACE,  
J. J. ALEXANDER,  
R. W. FISK,  
JOHN SLATER.

Which was laid on the table by the consent of the Senate.

Mr. Slater of Johnson, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 14, "To provide for the approval of the official bonds of constables and justices of the peace," have had the same under

consideration, and directed me to report the same back and recommend its passage after the adoption of the following amendment:

Amend by striking out “and justices of the peace.”

Which was concurred in, and the bill as amended, ordered to be engrossed, and read a third time to-morrow.

Mr. Murray, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT :

The committee on the judiciary, to whom was referred Senate bill No. 10, a bill to amend the 433d section of an act entitled “An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,” approved June 18, 1852, have had the same under consideration, and have directed me to report the bill back to the Senate with the following amendments, and when so amended, recommend its passage:

Amend by inserting after the word “sheriff,” in the fifteenth line of section one, the words, “or coroner.”

Also,

Amend the first section by adding, “and forthwith appraise, advertise and sell the same as now required by law, unless the plaintiff, his agent or attorney, shall otherwise direct.”

Which was concurred in, the amendments engrossed, and the bill read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Burke, Chapman, Ensey, Green, Griggs, Hargrove, Hendry, Kinley, Murray, McLean, Parker, Rice, Sage, Slater of Johnson, Tarkington, Thompson, Wallace, Weir and Yarn—21.

*Those who voted in the negative were,*

Messrs. Alexander, Bobbs, Cooper, Crane, Cravens, Crouse, Drew, Freeland, Hill, Hostetler, Johnston, March, Mansfield, Mathes, Miller, McCleary, McClure, Richardson, Rugg, Slater of Dearborn, Stevens, and Weston—22.

So the bill did not pass.

Mr. Blair, from the committee on county and township business, made the following report:

MR. PRESIDENT :

The committee on county and township business, to whom was referred a memorial of sundry citizens of Steuben county asking a change in the act regulating the duties of county surveyors, so as to dispense with a notice in a newspaper to non-residents, and to reduce the time for notice to residents from *ten* to *three* days, and also to enable any owner of land to procure a legal survey at his own expense, without notice to adjoining owners, have had the same under consideration, and directed me to report the same back, and recommend that it be laid on the table.

Which was concurred in, and the petition laid on the table.

The President laid before the Senate the deposition of John Wallace, in the case of the contested seat of the Hon. Hugh Miller by Kline G. Shryock.

Which,

On motion by Mr. Murray,  
Was referred to the committee on elections.

On motion by Mr. Wallace,

*Resolved*, That the Secretary of State be required to report forthwith, what amount of blank books and stationery have been provided for his office, by whom they were provided, by whom furnished and what amount was paid for the same, and when they were furnished.

On motion by Hostetler,

*Resolved*, That the committee on the organization of courts be instructed to inquire into the expediency of reducing the number of judicial circuit courts, so as to keep the judges thereof constantly employed and also to give them a sufficient salary to remunerate them for their services, and that they report by bill or otherwise.

On motion by Mr. Sage,

*Resolved*, That the judiciary committee be instructed to inquire and report to the Senate, whether in their opinion, there is any law now in force in this State, making the State liable for the redemption of the circulation of any of the free banks of this State.

On motion by Mr. Rice,

*Resolved*, That the committee on education be instructed to inquire into the expediency of so amending the common school law

as. to require the county treasurers to distribute the school fund among the different townships, as early as the first Monday in April of each year.

On motion by Mr. Tarkington,

*Resolved*, That the committee on the judiciary be requested to inquire into the expediency of abolishing the regular standing petit jurors, and selecting the same from bystanders, and that they report their decision and reasons therefor to this Senate.

On motion by Mr. Woods,

*Resolved*, That the committee on the State prison be instructed to inquire into the expediency of instructing the Superintendent of Public Instruction to appropriate one township library to the said prison for the benefit of convicts.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Weir introduced,

Senate bill No. 28. A bill to enable assignees of school land certificates to obtain deeds when the assignment has not been acknowledged.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Rugg introduced

Senate bill No. 29. A bill to provide for the administration of justice speedily and without delay.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Parker introduced,

Senate bill No. 30. An act to enable the Governor, Auditor and Treasurer of State, with the advice of the Attorney General, to compromise actions, or causes of action between the State and a citizen or citizens thereof.

Which was read a first time and passed to a second reading.

On motion by Mr. McLain,  
The rules were suspended, and  
Mr. McLain offered the following resolution:

*Resolved*, That the Attorney General be requested to give the Senate his opinion, at his earliest convenience, in regard to the lia-



bility of the State for the issues of the Gramercy and Shawnee banks.

Which was agreed to.

By unanimous consent,  
Mr. Rice introduced,

Senate bill No. 31. An act supplemental to the 9th article of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity;" approved June 18th, 1852.

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

#### *Senate Bills on Second Reading.*

Senate bill No. 24. A bill to tax the premiums received by insurance companies incorporated within this State, for the benefit of the fire companies within the same.

Was read a second time, and,

On motion by Mr. Crane,

Referred to the committee on the judiciary.

Senate bill No. 25. A bill to cure defects in execution of deeds, mortgages, and other instruments, or in certificates of acknowledgments to conveyances of real estate in certain cases herein specified.

Was read a second time, and,

On motion by Mr. Green,

Referred to the committee on the judiciary.

Senate bill No. 26. A bill compelling railroad companies to raise all crossings of railroads, where the same are higher than the tops of the cars, to seven feet above the tops of the highest cars used upon said railroad.

Was read a second time, and,

On motion by Mr. Stevens,

Referred to the committee on corporations.

Senate bill No. 27. A bill amendatory of sections six and eight of the Revised Statutes of 1852.

Was read a second time, and,

On motion by Mr. McLain,

Referred to the committee on the organization of courts.

By unanimous consent,  
The rules were suspended, and  
Mr. Wallace introduced,

Senate bill No. 32. An act defining the jurisdiction of grand juries, regulating the finding by them of informations for misdemeanors, specifying the duties of certain officers in connection with such juries, and repealing certain sections of laws inconsistent herewith.

Which was read a first time and passed to a second reading.

#### HOUSE BILLS ON SECOND READING.

House bill No. 4. A bill to amend the fourth section of an act entitled "an act touching the relation of guardian and ward," approved January 9, 1852,

Was read a second time and ordered to a third reading.

#### SENATE BILLS ON THIRD READING.

Senate bill No. 9. A bill defining embezzlement and prescribing the punishment therefor.

Was read a third time,

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Drew, Ensey, Freeland, Green, Griggs, Hargrove, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Mathes, Miller, Murray, McCleary, McClure, McLain, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Tarkington, Thompson, Wallace, Weir, Weston, Woods and Yaryan—43.

No Senator voting in the negative.

So the bill passed.

*Ordered,* That the secretary inform the House thereof.

Senate bill No 16. A bill providing for the taxation of costs in cases when lands are attached by process from the circuit courts and courts of common pleas, where the claim is less than fifty dollars,

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Slater of Johnson, Stevens, Thompson, Wallace, Weir, Weston, Woods and Yaryan—30.

*Those who voted in the negative were,*

Messrs. Alexander, Hargrove, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Slater of Dearborn and Tarkington—13.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Senate bill No. 22. A bill to amend the one hundred and forty-third section of an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes, in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State, approved June 21, 1852.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Green, Griggs, Hargrove, Hendry, Hill, Johnston, Kinley, March, Mansfield, Mathes, Miller, Murray, McClure, McLean, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Thompson, Weir, Weston, Woods and Yaryan—37.

*Those who voted in the negative were,*

Messrs. Alexander, Hostetler, McClure and Tarkington—4.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof

A message from the House by Mr. Bowes their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House of Representatives has passed engrossed bill of the House, No. 15, entitled "An act allowing the clerk and sheriff to appoint judge of the court of common pleas."

In which the concurrence of the Senate is respectfully requested.

House bill No. 15, contained in the foregoing message, was read a first time and passed to a second reading.

A message from the House, by Mr. Bowes their clerk:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill thereof:

No. 26. A bill to amend the 8th section of an act entitled "An act providing for the election, and prescribing certain duties of county surveyors," approved June 17, 1852.

In which the concurrence of the Senate is respectfully requested.

House bill No. 26, contained in the foregoing message, was read a first time and passed to a second reading.

A message from the House by Mr. Bowes their clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed joint resolution thereof:

No. 4. Joint resolution on the subject of the tariff.

In which the concurrence of the Senate is respectfully requested.

Engrossed joint resolution No. 4, contained in the foregoing message was read a first time and passed to a second reading.

On motion by Mr. Griggs,

Senate bill No. 8. A bill to amend section 3 of an act entitled "an act to amend the 1st and 4th sections of an act authorizing recorders to make out complete or general indexes to records of deeds and mortgages, and to procure and use seals," approved February 14th, 1855.

Was taken from the table, and,

On motion by Mr. Weir,

Referred to the committee on the judiciary.

On motion by Mr. Weir,

The committee was instructed to amend the bill by allowing recorder to demand his fees in advance in all cases.

On motion by Mr. Green,

The committee were further instructed to amend the bill by striking out all after the enacting clause.

Mr. Rugg moved to further instruct the committee as follows:

Amend so as to make the increased fee payable by the owner of the deed instead of the county.

Which was not agreed to.

By unanimous consent,

The rules were suspended, and

Mr. Weir offered the following resolution:

*Resolved*, That the doorkeeper be and he is hereby instructed to procure a chair for the use of the presiding officer, and that he procure the same without delay.

Which was agreed to.

By unanimous consent,

The rules were suspended, and

On motion by Mr. Hostetler,

*Resolved*, That the doorkeeper be instructed to inform the Senate why the various public documents are not laid on the tables of senators for distribution.

On motion by Mr. Murray,

*Resolved*, That when the Senate adjourn, it stand adjourned until to-morrow morning at 9 o'clock.

On motion by Mr. Slater of Dearborn,

The Senate adjourned.

WEDNESDAY MORNING, 9 o'clock, }  
January 21, 1857. }

The Senate met.

The journal of the preceding day was read.

The President laid before the Senate the following communication:

OFFICE OF SECRETARY OF STATE, }  
Indianapolis, Jan. 20, 1857. }

HON. ABRAM A. HAMMOND,

*President of the Senate:*

SIR:—In answer to resolution of the Senate this day passed, to-wit:

“*Resolved*, That the Secretary of State be required to report, forthwith, what amount of blank books and stationery has been provided for his office, by whom they were provided, by whom furnished, what amount was paid for the same, and when they were furnished.”

I have the honor to state that I entered upon the duties of the office of Secretary of State on the 16th instant; that on or about the 13th inst., as I am informed, there was delivered into this office, by Messrs. Sheets & Braden, 24 large records for recording swamp land patents, about 12 reams of blank patents for swamp lands, 4 reams enrolling paper, and a large supply of various kinds of blanks used in this office, at what prices I cannot state, as the same were purchased by the late secretary, Mr. Collins, and there being no paper on file in the office furnishing information on the subject.

There also appears to have been recently furnished to this office, by Messrs. Sheets & Braden, a large supply of the various kinds of stationery, as per copy herewith transmitted.

Respectfully submitted,  
DANIEL McCLURE,  
*Secretary of State.*

Which was laid on the table.

The President laid before the Senate the following communication:

HON. A. A. HAMMOND,

*President of the Senate :*

You will please lay before the Senate the following response to a resolution of the Senate, requiring me to inform the Senate why the various public documents are not laid on the desks of Senators for distribution :

In answer to the resolution I have to say that all documents have been distributed among the Senators as fast as the same have been received, and the reason that all of the public documents have not been laid upon the desks of Senators is, that the State Printer has not yet furnished them to me.

SIMON CHARNEY, *Doorkeeper.*

Mr. Hefren introduced a petition from William Bracken representing that at the October election, in the year 1856, he was duly elected to represent the county of Rush in the State Senate of Indiana, that he is entitled to the seat therein, now occupied by Stanley Cooper, &c.

Which,

On motion by Mr. Hefren,

Was referred to the committee on elections.

Mr. March introduced a petition from sundry citizens of Muncie, Delaware county, praying for the passage of a law enlarging the powers of incorporated towns.

Which,

On motion by Mr. March,

Was referred to the committee on county and township business.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Suit, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary to whom was referred a resolution of the Senate instructing them "to examine whether there is any statute of this State, conferring upon a judge of the Supreme court authority to administer oaths, except when sitting as a member of said court," had have the same under consideration, made the requisite examination, and directed me to report that there is no such statutory provision in this State, and ask to be discharged from the further consideration of the subject.

Which report was concurred in by the Senate.

Mr. Slater of Johnson, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary to whom was referred Senate bill No. 23. A bill to amend the 1031 section of chapter 1, and article 10 of the Revised statutes of 1852, and entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State; approved June 17, 1852," have had the same under consideration, and have directed me to report it back to the Senate and recommend its indefinite postponement, the committee deeming it inexpedient to legislate on the subject, and they ask to be discharged from its further consideration.

Which was not concurred in.

The question being, shall Senate bill No. 23, contained in said report, be engrossed and read a third time to-morrow,

The ayes and noes being demanded by Senators March and Suit,

*Those who voted in the affirmative were,*

Messrs. Bearss, Brown, Ensey, Freeland, Gooding, Hargrove, Johnston, Kinley, McClure, Rice, Sage, Wallace, Weir, Wilson, Woods and Yaryan—16.

*Those who voted in the negative were,*

Messrs. Alexander, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Drew, Fisk, Green, Hefren, Hendry, Hill, Hostetler, March, Mansfield, Mathes, Miller, McCleary, McLain, Parker, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Thompson and Weston—31.

So the bill was not ordered to be engrossed.

Mr. Hendry, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary to whom was referred Senate bill No. 25, "An act to cure defects in the execution of deeds, mortgages, and other instruments, or in the certificates of acknowledgments to conveyances of real estate in certain cases herein specified," have had the same under consideration and directed me to report it back to the Senate with one amendment, and when so amended they recommend its passage.

Amend by striking out the third section of the bill.

Which was concurred in.



On motion by Mr. Gooding,

Senate bill No. 25, contained in the foregoing report, was amended as follows: "So as to read after the word 'person,' or persons."

The bill was ordered to be engrossed and read a third time tomorrow.

Mr. Wallace, from the judiciary committee, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 24, "A bill to tax the premiums received by fire insurance companies, incorporated within or without the State, for the benefit of fire engine companies within the same," have had the same under consideration, and have directed me to report it back to the Senate, and recommend its indefinite postponement, such legislation being deemed by the committee wholly inexpedient; and they ask to be discharged from the further consideration of the subject.

Which,

On motion by Mr. Drew,  
Was laid on the table.

Mr. Alexander, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution of the Senate requesting them "to inquire into the expediency of amending the interest law so as to allow the collection of ten per cent. interest per annum on special contracts," have had the same under consideration, and have directed me to report that they do deem such an amendment or alteration of our present interest law as indicated in the resolution, expedient and proper, and they ask to be discharged from the further consideration of the subject.

Which,

On motion by Mr. Hefren,  
Was laid on the table.

Mr. March, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 13, an act to amend the 6th and 18th sections of an act entitled "An act regulating the granting of divorces, nullification

of marriages, and decrees and orders of court incident thereto," approved May 13, 1852, together with the accompanying amendments, have had the same under consideration, and have directed me to report it back with the following amendments, and when so amended, they earnestly recommend its passage:

Amend the first section of the bill where it refers to the length of residence necessary before filing the petition, by striking out "two years," and inserting "one year."

Amend by inserting between the first and second sections, as follows:

Sec. 2. That the 7th section of said act, which reads as follows, to-wit: "Sec. 7. Divorces shall be decreed upon the application of the injured party, for the following causes:

*First.*—Adultery, except as hereafter provided.

*Second.*—Impotency.

*Third.*—Abandonment for one year, or for a less period, if the court shall be satisfied that a reconciliation is improbable.

*Fourth.*—Cruel treatment of either party by the other.

*Fifth.*—Habitual drunkenness of either party, or the failure of the husband to make reasonable provision for his family.

*Sixth.*—The conviction, subsequent to the marriage, in any country, of either party, of an infamous crime.

*Seventh.*—Any other cause for which the court shall deem it proper that a divorce should be granted."

Be, and the same is hereby amended to read as follows, to-wit:

Divorces shall be decreed upon the application of the injured party, for the following causes:

*First.*—Adultery, except as hereinafter provided.

*Second.*—Impotency.

*Third.*—Abandonment by the husband for one year, and by the wife for two years.

*Fourth.*—Cruel treatment of either party by the other.

*Fifth.*—Habitual drunkenness of either party.

*Sixth.*—Failure of the husband to make reasonable provision for the family.

*Seventh.*—The conviction, subsequent to the marriage, in any country, of either party of an infamous crime.

*Eighth.*—Any other cause in fraud of the marriage contract, occurring previous to the marriage.

Amend the title so as to read as follows:

An act to amend the sixth, seventh and eighteenth sections of an act entitled "An act regulating the granting of divorces, nullification of marriages, and decrees and orders of courts incident thereto," approved May 13, 1852.

Which was concurred in and the bill ordered to be engrossed and read a third time on to-morrow.

Mr. Yaryan, chairman of the committee on the organization of courts, made the following report:

MR. PRESIDENT :

The committee on the organization of courts, to whom was referred Senate bill No. 5, relative to the jurisdiction of justices of the peace, in civil cases, by which they are limited to their townships respectively, have had the same under consideration, with the amendments offered, and have instructed me to report it inexpedient to legislate upon that subject, and recommend that the same be indefinitely postponed, and ask to be discharged from further consideration of the subject.

Which report was concurred in by the Senate.

Mr. Hendry, from the committee on the organization of courts, made the following report:

MR. PRESIDENT :

The committee on the organization of courts, to whom was referred a resolution instructing them to inquire into the expediency of giving courts of common pleas jurisdiction to the amount of two thousand dollars in civil cases, have had the same under consideration and instructed me to report that legislation on the subject is inexpedient.

Which was concurred in.

Mr. Rice, from the committee on the organization of courts, made the following report:

MR. PRESIDENT :

The committee on the organization of courts, to whom was referred Senate bill No. 27, a bill amendatory of sections six and eight of chapter eight of the Revised Statutes of 1852, have had the same under consideration, and have directed me to report, that any legislation thereon is inexpedient, and recommend that the bill be indefinitely postponed, and that the committee be discharged from the further consideration of the subject.

Which report was concurred in.

#### RESOLUTIONS.

On motion by Mr. Sage,

*Resolved*, That James W. Howard, reporter for the "Rising Sun Visitor," be furnished by the doorkeeper with a desk, for his accommodation within the bar of the Senate.

On motion by Mr. McLean,

*Resolved*, That the Auditor of State be requested to present the Senate with a list of the foreign insurance companies, which have complied with the general insurance law of the State, approved March 2, 1855; and also, whether all or any of said companies have failed to deposit with him, as such auditor, five per cent. of the premiums received by said companies for insurance effected in this State in solvent stocks, as required by law, and whether such deposits are credited to the State, or to private individuals residing out of the State.

On motion by Mr. Stevens,

*Resolved*, That the committee on finance be requested to inquire into the expediency of reporting a bill requiring persons making assignments for the benefit of creditors, to provide for an equal distribution of their effects, and in no case to prefer any creditor.

On motion by Mr. Freeland,

*Resolved*, That the committee on finance be instructed to inquire into the expediency of reporting a bill, holding the bonds filed with the auditor for the security of the billholder, and passed from his hands otherwise than as the law directs, be subject to attachment by the proper authorities.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Green introduced

Senate bill No. 33. A bill to provide for the sale of freights shipped upon railroads, boats, and other public conveyances, to pay the expense of transportation, and to prevent the loss of the same to the owner.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Richardson introduced.

Senate bill No. 34. An act to amend the 5th section of an act entitled "an act regulating the fees of officers, and repealing former acts in relation thereto;" approved March 2, 1855.

Was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Freeland introduced,

Senate bill No. 35. A bill to facilitate the ditching and draining of swamp lands as therein provided.

Was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Cravens introduced,

Senate bill No. 36. An act to provide for a change of venue on account of the prejudice of the presiding judge.

Was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

#### *House Bills on Second Reading.*

Senate bill No. 31. An act supplemental to the 9th article of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice, in a uniform mode of pleading and practice, without distinction between law and equity; approved June 18, 1852.

Was read a second time, and,

On motion by Mr. Rice,

Referred to the committee on the organization of courts.

Senate bill No. 32. An act defining the jurisdiction of grand juries, regulating the finding by them, of information for misdemeanors, specifying the duties of certain officers, in connection with such juries, and repealing certain sections of laws inconsistent herewith.

Was read a second time, and,

On motion by Mr. Gooding,

The bill was laid on the table and one hundred copies ordered to be printed.

#### HOUSE BILLS ON SECOND READING.

House bill No. 26. A bill to amend the 8th section of an act providing for the election and prescribing certain duties of county surveyor.

Was read a second time, and,

On motion by Mr. Miller,

Referred to a select committee of three.

The President appointed Messrs. Miller, March and Gooding said select committee.

House bill No. 15. A bill allowing the clerk and sheriff to appoint judges of courts of common pleas.

Was read a second time, and,

On motion by Mr. Gooding,

Referred to a select committee of three.

The President appointed Messrs. Gooding, Bobbs and McLean said select committee.

HOUSE JOINT RESOLUTION ON SECOND READING.

House Joint Resolution No. 4. On the subject of the tariff.  
Was read a second time.

Mr. Weir moved to suspend the rules and read the resolution a third time now.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Green, Griggs, Hefren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Miller, Murray, McCleary, McClure, McLean, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Wallace, Wier, Weston, Wilson, Woods and Yaryan—46.

*Those who voted in the negative were,*

Messrs. Alexander, Gooding, Hefren and Mathes—4.

So the rules were suspended and the resolution read a third time.

Mr. Suit moved to commit the resolution to a select committee of three with instructions to strike out the word "instruct," and insert "request."

Which was not agreed to.

The question being shall the resolution pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Bearss, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Gooding, Green, Griggs, Hargrove, Hefren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Mathes, Miller, Murray, McCleary, McClure, McLean, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Tarkington, Thompson, Wallace, Weir, Weston, Wilson, Woods and Yaryan—47.

*Those who voted in the negative were,*

Messrs. Bobbs and Suit—2.

So the resolution passed.

On motion by Mr. Gooding,

The title was amended so as to read the "tariff on sugar."

*Ordered*, That the secretary inform the House thereof.

By unanimous consent,

The rules were suspended, and

Mr. Suit offered the following resolution :

*Resolved*, That when the Senate adjourns it will adjourn to meet to-morrow morning at 9 o'clock, for the purpose of giving committees time to meet.

Which was agreed to.

Senate bill No. 28. A bill to enable assignees of school land certificates to obtain deeds, when the assignment has not been acknowledged.

Was read a second time, and,

On motion by Mr. Crane,

Referred to the committee on the judiciary.

Senate bill No. 29. A bill to provide for the administration of justice, speedy and without delay.

Was read a second time, and,

On motion by Mr. Crane,

Referred to the committee on the organization of courts.

Senate bill No. 30. An act to enable the Governor, Auditor and Treasurer of State, with the advice of the Attorney General, to compromise actions, or causes of action, between the State and a citizen or citizens thereof.

Was read a second time, and,

On motion by Mr. Crane,

Referred to the committee on the judiciary.

#### HOUSE BILLS ON THIRD READING.

House bill No. 4. A bill to amend the fourth section of an act entitled "An act touching the relation of guardian and ward," approved January 9, 1852.

Was read a third time.

The question being, shall the bill pass,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Free-

land, Gooding, Green, Griggs, Hargrove, Hefren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Mathes, Miller, Murray, McCleary, McClure, McLean, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Weston, Wilson, Woods and Yaryan—48.

No Senator voting in the negative,  
So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

SENATE BILLS ON THIRD READING.

Senate bill No. 14. A bill to provide for the approval of the official bonds of constables and justices of the peace.

Was read a third time.

The question being shall the bill pass,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Green, Griggs, Hargrove, Hefren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Mathes, Miller, Murray, McCleary, McClure, McLain, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Wallace, Weston, Wilson, Woods and Yaryan—48.

No Senator voting in the negative,  
So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

By unanimous consent,  
The rules were suspended, and  
Mr. Bobbs introduced

Senate bill No. 37. A bill to amend the first section of an act entitled "An act to amend the charter of the Indianapolis and Bellefontaine Railroad Company," passed January, 1850.

Which was read a first time.

Mr. Bobbs moved to further suspend the rules and read the bill a second time now.

The ayes and noes being taken under the constitution,



*Those who voted in the affirmative were,*

Messrs. Alexander, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Fisk, Freeland, Green, Griggs, Hefren, Hendry, Hill, March, Miller, Murray, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Weir, Weston, Woods and Yaryan—35.

*Those who voted in the negative were,*

Messrs. Gooding, Hargrove, Hostetler, Johnston, Kinley, Mansfield, Mathes, McClure and Wilson—9.

So the rules were suspended and the bill read a second time.

On motion by Mr. Bobbs,

The bill was referred to the committee on the judiciary.

Mr. Bobbs moved that Messrs. Cravens and Freeland be added to the select committee on the rules of the Senate.

Mr. Slater of Dearborn moved to lay the motion on the table.

Which was not agreed to.

Mr. Gooding moved to amend by adding Messrs. Hefren and Wilson to the committee.

Mr. Parker moved to lay the motion to amend on the table.

The ayes and noes being demanded by Senators Parker and Gooding,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Stevens, Suit, Weir, Weston and Yaryan—26.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, Wilson and Woods—24.

So the motion to amend was laid on the table.

Mr. Sage moved to lay the original motion on the table.

The ayes and noes being demanded by Senators Johnston and Richardson,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Drew, Fisk, Freeland, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, Wilson and Woods—25.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Stevens, Suit, Thompson, Weir, Weston and Yaryan—25.

So the motion was laid on the table by the casting vote of the President.

On motion by Mr. Slater of Dearborn,  
The Senate adjourned.

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THURSDAY MORNING, 9 o'clock, }  
January 22, 1857. }

The Senate met.

The journal of the preceding day was read.

A message from the House by Mr. Bowes, their clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to bring to the Senate, for the signature of the president thereof, enrolled bill of the House No. 4.

An act to amend the fourth section of an act entitled "an act touching the relation of guardian and ward," approved June 9, 1852.

Also, enrolled joint resolution of the House No. 4.

Joint resolution on the subject of the tariff on sugar.

The President signed the bill and resolution.

A message from the House, by Mr. Bowes their clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have concurred in engrossed amendment of the Senate to engrossed joint resolution of the House No. 4.

Joint resolution on the subject of the tariff.

#### PETITIONS, MEMORIALS, AND REMONSTRANCES.

Mr. Hefren introduced a petition from sundry citizens of the State, praying the passage of a law by the legislature, protecting the people from the practice of medicine and surgery by incompetent and reckless persons.

Which,

On motion by Mr. Hefren,  
Was laid on the table.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Murray, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 8, an act to amend section three of an act entitled "an act to amend the 1st and 4th sections of an act entitled 'an act authorizing recorders to make out complete or general indexes to records of deeds and mortgages, and to procure and use seals,'" approved February 14, 1855, together with the instructions, have had the same under consideration and have directed me to report, that they have complied with the instructions of the Senate, and struck out all after the enacting clause, and substituted, by way of amendment, a bill allowing recorders to demand their fees in advance, in all cases, and respectfully recommend its passage.

The report was concurred in, and

Senate bill No. 38. A bill to authorize county recorders to demand their fees in advance.

Contained in the foregoing report,

Was read a first time and passed to a second reading.

Mr. Crouse, chairman of the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred Senate bill No. 26, "a bill compelling railroad companies to raise all crossings of railroads, where the same are higher than the tops of the cars, to seven feet above the tops of the highest cars used upon said railroads," have had said bill under consideration, and have instructed me to report it back to the Senate, and recommend that it be indefinitely postponed, and ask to be discharged from its further consideration.

Which was concurred in and the bill indefinitely postponed.

#### RESOLUTIONS OF THE SENATE.

On motion by Mr. Green,

*Resolved*, That the Treasurer of State be requested to lay before the Senate the amount of money received from each county arising from the sale of swamp lands, and the amount of money expended in each county for ditching; and also, whether or not any part of said swamp land fund has been applied to or used for any purpose whatever, other than for ditching, and if so, to what purpose the same has been applied, and how much.

On motion by Mr. Green,

*Resolved*, That the Auditor of State be requested to lay before the Senate the amount of money received from each county arising from the sale of swamp lands, and the amount of money expended in each county for ditching; and also, whether or not any part of said swamp land fund has been applied or used for any purpose whatever other than for ditching, and if so, to what purpose the same has been applied and how much.

On motion by Mr. Hefren,

*Resolved*, That the Auditor of State be requested to inform the Senate the amount of money paid into the general school fund of the State, by each county, and also, the amount disbursed to the same during the past fiscal year.

On motion of Mr. Hargrove,

*Resolved*, That the committee on banks be instructed to inquire into the expediency of providing, by law, a sufficient penalty

against all persons, companies, associations, or corporations, who shall issue any bill, or bills, to circulate as money in this State, who are not legally authorized by law to do so.

On motion by Mr. Weir,

*Resolved*, That the committee on the organization of courts be instructed to inquire into the expediency of the passage of a law allowing the formation of limited partnerships, and to report at their earliest convenience.

Mr. Wallace offered the following resolution :

*Resolved*, That the doorkeeper be requested to subscribe for one copy, for every senator, of "The Locomotive" and "Expositor," and lay the same on the tables along with the Sentinel and Journal.

The ayes and nays being demanded by senators Murray and Crane,

*Those who voted in the affirmative were,*

Messrs. Alexander, Drew, Griggs, McLean, Parker, Richardson, Rice, Sage, Stevens, Wallace, Weir, and Yaryan—12.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Fisk, Freeland, Green, Hargrove, Hefren, Hendry, Hill, Johnston, Kinley, March, Mansfield, Mathes, Murray, McClure, Rugg, Slater of Dearborn, Suit, Tarkington, Thompson, Weston, Wilson, and Woods—33.

So the resolution was not agreed to.

Mr. Murray offered the following resolution :

*Resolved*, That the select committee appointed on the rules of the Senate be discharged from the further consideration of the subject.

Mr. Slater of Dearborn, moved to lay the resolution on the table.

The ayes and noes being demanded by Senators Murray and Drew,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Johnston, Mansfield, Mathes, Miller, McClure, McLean,

Richardson, Rugg, Slater of Dearborn, Tarkington, Wallace, Wilson and Woods—20.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cranvens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Wier, Weston and Yaryan—27.

So the resolution was not laid on the table.

The question recurring on the adoption of the resolution,

The ayes and noes being demanded Messrs. Cravens and Bearss,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Stevens, Suit, Thompson, Weir, Weston and Yaryan—26.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Johnston, Mansfield, Mathes, Miller, McClure, McLean, Richardson, Rugg, Sage, Slater of Dearborn, Tarkington, Wallace, Wilson and Woods—21.

So the resolution was adopted.

On motion by Mr. Hefren,

Leave of absence was granted to Mr. Hostetler until Tuesday morning next.

On motion by Mr. Suit,

*Resolved*, That the committee on elections be authorized to sit during the sitting of the Senate this afternoon.

Mr. Suit moved to take up the Senate rules and pending amendments thereto, by numbers.

Which was agreed to.

By unanimous consent,

Mr. Cravens withdrew the pending amendments to Senate rule No. 6.

Mr. Suit offered the following amendment :

Amend the 6th rule of the Senate by inserting in the proper place, "by adding, except standing committee, which shall be elected by the Senate."

The ayes and noes being demanded by Messrs. Slater and Suit,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston and Yaryan—27.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Johnston, Mansfield, Mathes, Miller, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Tarkington, Wallace, Wilson and Woods—20.

So the amendment was adopted.

The question recurred on the adoption of the rule as amended,  
Which was agreed to.

Mr. Tarkington moved to lay the pending amendment to Senate rule No. 8, on the table.

The ayes and noes being demanded by Senators Parker and March,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Johnston, Mansfield, Mathes, Miller, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Tarkington, Wallace, Wilson and Woods—20.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston and Yaryan—27.

So the amendment was not laid on the table.

Mr. Hefren moved to postpone the further consideration of the adoption of the rules till Monday next, at 2 o'clock P. M.

The ayes and noes being demanded by senators Bearss and Parker,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Johnston, Mansfield, Mathes, Miller, McClure, Richardson, Rugg, Slater of Dearborn, Tarkington, Wallace, Wilson, and Woods—19.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, McLean, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, and Yaryan—28.

So the motion to postpone was not agreed to.

Mr. Slater of Dearborn, moved that the Senate now adjourn.

The ayes and noes being demanded by five senators,

*Those who voted in the affirmative were,*

Messrs. Hefren, McClure, Richardson, Rugg, Slater of Dearborn, Tarkington, Wallace, and Wilson—8.

*Those who voted in the negative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Gooding, Green, Griggs, Hargrove, Hendry, Hill, Johnston, Kinley, March, Mansfield, Mathes, Miller, Murray, McLean, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, Woods, and Yaryan—39.

So the motion to adjourn did not prevail.

The question recurred on the adoption of the amendment to Senate rule No. 8.

The ayes and noes being demanded by senators Hefren and Slater of Dearborn,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crouse,



Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, and Yaryan—27.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Johnston, Mansfield, Mathes, Miller, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Tarkington, Wallace, Wilson, and Woods—20.

So the amendment was adopted.

The question recurred on the adoption of the rule as amended.  
Which was agreed to.

The question being on the adoption of the pending amendment to Senate rule No. 28,

Mr. Hargrove moved to amend the amendment as follows, viz: by adding "in any one day."

Which was not agreed to.

The question then recurred on the adoption of the amendment to the rule.

The ayes and noes being demanded by two Senators,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston and Yaryan—27.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Johnston, Mansfield, Mathes, Miller, McClure, McLean, Richardson, Rugg, Slater, of Dearborn, Tarkington, Wallace, Wilson and Woods—20.

So the amendment was adopted.

The question recurred on the adoption of Senate rules No. 28, as amended,

Which was agreed to.

Mr. Bearss moved to amend Senate rule No. 16, by striking out of said rule the words, "becompelled to," where they occur therein.

Pending which,

Mr. Drew moved that the Senate adjourn ;

The ayes and noes being demanded by five Senators,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Crane, Drew, Fisk, Gooding, Hargrove, Hefren, Johnston, Mansfield, Mathes, Miller, McClure, McLean, Richardson, Rugg, Sage, Slater of Dearborn, Tarkington, Wallace, Wilson and Woods—22.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Buke, Chapman, Cooper, Cravens, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Stevens, Suit, Thompson, Weir, Weston and Yaryan—24.

So the motion to adjourn did not prevail.

Mr. Hefren moved to lay the further consideration of the rules of the Senate upon the table.

The ayes and noes being demanded by Senators Bearss and Weir,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Crane, Drew, Fisk, Gooding, Hargrove, Hefren, Johnston, Mansfield, Mathes, Miller, McClure, McLean, Richardson, Rugg, Sage, Slater of Dearborn, Tarkington, Wallace, Wilson and Woods—22.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Stevens, Suit, Thompson, Weir, Weston and Yaryan—25.

So the motion to lay on the table did not prevail.

Mr. Slater of Dearborn moved that the Senate adjourn.

Which was not agreed to.

Mr. Brown moved to postpone the further consideration of the Senate rules till 2 o'clock P. M.

Which was agreed to.

On motion by Mr. Suit,  
The Senate adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

The Senate met.

On motion by Mr. Suit,  
A call of the Senate was ordered.

The Secretary proceeded with the call, whereupon, it being found that a quorum was present,

On motion by Mr. Suit,  
The further call of the Senate was dispensed with.

The Senate proceeded to the consideration of the amendment proposed to rule 16, of the rules of the Senate, pending at adjournment.

Mr. Gooding moved to amend the amendment as follows :

Amend by striking out of the rule the words, "immediately and particularly interested." and insert "pecuniarily interested, and not affecting the rights of his constituents."

Leave being granted,  
Mr. Sage offered the following resolution :

*Resolved*, That as the mails, made up at the post office in this city, are closed at 12 o'clock each day, that the doorkeeper of the Senate be required to deliver at said postoffice all letters from Senators by 11 o'clock A. M., each day. Also, every evening of each day, and that the publishers of the "Sentinel" be requested to deliver their papers to Senators at an earlier hour in the day, hereafter.

Which was agreed to.

Pending the consideration of the proposed amendments to Senate rules No. 16,

On motion by Mr. Tarkington,  
The Senate adjourned until 9 o'clock to-morrow morning.

FRIDAY MORNING, 9 o'clock, }  
January 23d, 1857. }

The Senate met.

The journal of the preceding day was read.

The President laid before the Senate the following communication :

OFFICE AUDITOR OF STATE, }  
Indianapolis, January 21, 1857. }

HON. A. A. HAMMOND,

*President of the Senate:*

SIR: I have the honor to transmit herewith, a reply to the Senate resolution of this date, making certain inquiries in regard to the compliance of foreign insurance companies with the law of this State, which I have to request you will lay before the Senate.

I have the honor to be,

Very respectfully, &c.,

H. E. TALBOTT,

*Auditor of State.*

OFFICE AUDITOR OF STATE, }  
Indianapolis, Jan. 21, 1857. }

HON. A. A. HAMMOND,

*President of the Senate:*

SIR: I am in receipt of the Senate resolution of this date, requesting information in regard to foreign insurance companies doing business in this State, and in reply thereto, I have to state that the following companies have complied with the general law regulating them, as regards the filing of a statement of their condition in January and July of each year, to-wit:

The *Ætna Insurance Company of Hartford.*

The *State Mutual Insurance Company of Pennsylvania.*

The *Commonwealth Insurance Company of Pennsylvania.*

The *Alliance Insurance Company of Philadelphia.*

The *Lombard Insurance Company of Philadelphia.*

The *United Life Insurance Company of New York.*

Of these, the *Ætna Company of Hartford*, alone, has thus far, during the present year, complied with the present portion of the

law which requires an annual deposit with the Auditor of State of five per cent. of the amount of premiums received within the State during the year preceeding. It is proper, however, to remark that the other companies named in the foregoing list, have signified their intention of complying with the law in this regard, as soon as the returns of their agents within the State will enable them to make the necessary affidavit.

The stock deposited by the *Æna* Company, is assigned by L. A. Bennett to the Auditor of the State of Indiana "in trust for the use and benefit of the *Æna* Insurance Company of Hartford, Conn., in accordance with the requisitions of an act to amend an act entitled 'An act for the incorporation of insurance companies, defining their powers and prescribing their duties.'"

I have the honor to remain,

Your most obedient serv't,

H. E. TALBOTT,

*Auditor of State.*

Which was laid on the table by the consent of the Senate.

#### RESOLUTIONS.

Mr. Green offered the following resolution :

*Resolved*, That no member of the Senate shall be permitted to speak to the same question more than once, nor shall he speak longer than thirty minutes, unless by the consent of the Senate.

Which was not agreed to.

#### BILLS INTRODUCED.

By unanimous consent,

Mr. Rugg introduced

Senate bill No. 39. A bill to amend the second section of an act entitled "An act concerning inclosures, trespassing animals and partition fences."

Which was read a first time and passed to a second reading.

By unanimous consent,

Mr. Weir introduced

Senate bill No. 40. An act allowing the formation, and defining the liabilities of limited partnerships.

Which was read a first time and passed to a second reading.

By unanimous consent,

Mr. Wallace introduced

S. J.—11.

Senate bill No. 41. An act for the uniform mode of doing township business.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Weir introduced

Senate bill No. 42. An act relative to the salaries of public officers, and providing the manner of paying the same.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Weir introduced

Senate bill No. 43. An act to amend the 38th section of an act entitled "An act to establish courts of common pleas, and defining the jurisdiction of, and providing compensation for the judges thereof," approved May 14th, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Stevens introduced

Senate bill No. 44. An act to amend an act entitled "An act concerning interest on money," approved May 27, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Hargrove introduced

Senate bill No. 45. A bill to repeal the 10th section of an act entitled "An act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of judges thereof," approved June 11, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Green introduced

Senate bill No. 46. A bill to cure defects in the certificates of acknowledgment of conveyances of real estate, and in the record of such acknowledgments, in certain cases therein named.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Miller introduced

Senate bill No. 47. A bill to provide for the taxation of railroad companies, and of the real estate of said companies.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Mansfield introduced

Senate bill No. 48. A bill to amend the 18th section of an act entitled "An act for the more uniform mode of doing township business," approved May 1st, 1852.

Was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

Senate rule No. 16, and pending amendments, being under consideration,

Mr. Freeland moved the previous question.  
Which was seconded by the Senate.

The question being, shall the main question be now put?  
It was agreed to.

The question being, shall Senate rule No. 16 be adopted?

The ayes and noes being demanded by Senators Bearss and Murray,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Crane, Drew, Fisk, Gooding, Hargrove, Hefren, Johnston, Mansfield, Mathes, Miller, McClure, McCleary, McLean, Richardson, Rugg, Slater of Dearborn, Tarkington, Wallace, Wilson, and Woods—22.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Stevens, Suit, Thompson, Weir, Weston, and Yaryan—25.

So the rule was not adopted.

The pending additional rule, No. 54, being under consideration,  
Mr. Suit moved the previous question.  
Which was seconded by the Senate.

The question being, shall the main question be now put?  
It was agreed to.

The question being, shall rule No. 54 be adopted?

The ayes and noes being demanded by senators Bearss and Crane,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, Woods and Yaryan—28.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Draw, Fisk, Gooding, Hargrove, Heiren, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Tarkington, Wallace, and Wilson—20.

So the rule was adopted.

Mr. Yaryan moved to amend the rules as follows:

Amend by adding,

Rule —. No member shall vote on any question in the event of which he is immediately and personally interested; or in any case where he was not within the bar before the president announces the result of the vote.

Mr. Murray moved the previous question,  
Which was seconded by the Senate.

The question then being, shall the main question be now put?  
It was agreed to.

The question being, shall the proposed additional rule (No. —.) be adopted?

The ayes and noes being demanded by senators Murray and Cravens,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Stevens, Suit, Thompson, Weir, Weston, and Yaryan—25.

*Those who voted in the negative were,*

Messrs. Crane, Gooding, Johnston, Mansfield, and Sage—5.

No quorum being present, the rule was not adopted.

On motion by Mr. Murray,  
A call of the Senate was ordered.



The secretary proceeded with the call; whereupon, it being found that all the senators were present except Messrs. Hostetler and Slater of Johnson,

On motion of Mr. Freeland,  
The further call of the Senate was dispensed with.

The question recurred on the adoption of the rule.

The ayes and noes being demanded by Messrs. Suit and Murray,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Stevens, Suit, Thompson, Weir, Weston and Yaryan—25.

*Those who voted in the negative were,*

Messrs. Crane, Gooding, Hargrove, Johnston, Mansfield, McLean, and Sage—7.

No quorum being present the rule was not adopted,

On motion by Mr. Suit,  
A call of the House was ordered.

The secretary proceeded with the call, whereupon, it being found that all the Senators were present, except Messrs. Hostetler and Slater of Johnson;

On motion by Mr. Green,  
The further call of the Senate was dispensed with.

The question recurring on the adoption of the proposed additional rules, No. —.

The ayes noes being demanded by Senators Green and Cravens,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Stevens, Suit, Thompson, Weir, Weston and Yaryan—25.

*Those who voted in the negative were,*

Messrs. Crane, Gooding, Johnston and Sage—4.

No quorum being present the rule was not adopted.

Mr. Wallace moved that the Senate now adjourn.

The ayes and noes being demanded by five Senators,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Crane, Drew, Fisk, Gooding, Hargrove, Hefren, Johnston, Mansfield, Mathes, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Stevens, Suit, Tarkington, Wallace, Wilson and Woods—23.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Thompson, Weir, Weston and Yaryan—23.

So the Senate was adjourned till 2 o'clock P. M., by the casting vote of the President.

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2 O'CLOCK, P. M.

The Senate met.

On motion by Mr. Murray,

A call of the Senate was ordered.

The Secretary proceeded with the call, whereupon, it was found that Messrs. Cooper, Freeland, Slater of Johnson, Mansfield, and Tarkington were absent.

On motion by Mr. Hefren,

Mr. Mansfield was excused from the further call of the Senate this afternoon.

On motion by Mr. Griggs,

The Sergeant-at-Arms was directed to bring in the absentees.

Mr. Weir moved that the further call of the Senate be dispensed with.

Which was not agreed to.

The Sergeant-at-Arms reported that he had found and brought to their seats, all absentees, except Mr. Slater of Johnson ; whereupon.

On motion by Mr. Suit,  
The further call of the Senate was dispensed with.

The question recurring on the adoption of proposed additional rule, (No. —.)

The ayes and noes being demanded by Messrs. Murray and Suit,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Stevens, Suit, Thompson, Weir, Weston and Yaryan—25.

*Those who voted in the negative were,*

Messrs. Crane, Gooding, Johnston and Sage—4.

No quorum being present the rule was not adopted.

On motion by Mr. Murray,  
A call of the Senate was ordered.

The Secretary proceeded with the call, whereupon, it was found that Mr. Slater of Johnson was absent.

Mr. Murray moved to suspend the further call of the Senate.  
Which was agreed to.

The question recurring on the adoption of the rule,  
The ayes and noes being demanded by two Senators,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Stevens, Suit, Thompson, Weir, Weston and Yaryan—25.

*Those who voted in the negative were,*

Messrs. Crane, Gooding, Johnston and Sage—4—.

No quorum being present the rule was not adopted.

Mr. Sage moved that the Senate adjourn ;

The ayes and noes being demanded by five senators,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Crane, Drew, Fisk, Gooding, Hargrove, Hefren, Johnston, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Sage, Slater of Dearborn, Tarkington, Wallace, Wilson and Woods—22.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Stevens, Suit, Thompson, Weir, Weston and Yaryan—25.

So the motion to adjourn was not agreed to.

The question recurring on the adoption of the rule,

The ayes and noes being demanded by Senators March and Cravens,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Chapman, Cooper, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Stevens, Suit, Thompson, Weir, Weston and Yaryan—25.

*Those who voted in the negative were,*

Messrs. Crane, Gooding, Johnston and Sage—4.

No quorum being present the rule was not adopted.

Mr. Weir moved a call of the Senate,  
Which was agreed to.

The secretary proceeded with the call, whereupon, it appeared that Mr. Slater of Johnson was absent.

Mr. Suit moved to dispense with the further call of the Senate,

The ayes and noes being demanded by Senators Brown and Gooding,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Hendry, Hill, Kinley,

March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir and Weston—26.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Griggs, Hargrove, Hefren, Johnston, Mathes, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Tarkington, Wallace, Wilson and Woods—20.

So the further call was dispensed with.

Mr. Johnston moved that the Senate now adjourn.

The ayes and noes being demanded by five Senators,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Crane, Drew, Fisk, Gooding, Hargrove, Hefren, Johnston, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Sage, Slater of Dearborn, Wallace, Wilson and Woods—21.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Stevens, Suit, Tarkington, Thompson, Weir, Weston and Yaryan—26.

So the motion to adjourn did not prevail.

Mr. Brown moved a call of the Senate.

The ayes and noes being demanded by Senators Drew and Brown,

*Those who voted in the affirmative were,*

Messrs. Brown, Crane, Drew, Fisk, Gooding, Hargrove, Hefren, Johnston, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Tarkington, Wallace, Wilson and Woods—20.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston and Yaryan—26.

So the call was not ordered.

Mr. McLean moved to lay the motion to adopt the proposed additional rule on the table.

The ayes and noes being demanded by senators Murray and McLean,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Crane, Drew, Fisk, Gooding, Hargrove, Hefren, Johnston, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Sage, Wallace, Wilson and Woods—20.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Stevens, Suit, Tarkington, Thompson, Weir, Weston, and Yaryan—26.

So the motion to lay on the table did not prevail.

Mr. Hefren moved that the Senate now adjourn.

The ayes and noes being demanded by Senators Brown and Hefren,

*Those who voted in the affirmative were,*

Messrs. Brown, Crane, Drew, Fisk, Gooding, Hargrove, Hefren, Johnston, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Sage, Tarkington, Wallace, Wilson and Woods—21.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Stevens, Suit, Weir, Weston and Yaryan—25.

So the motion to adjourn did not prevail.

Mr. Brown moved that a call of the Senate be now ordered,

The ayes and noes being demanded by Senators Brown and Hefren,

*Those who voted in the affirmative were,*

Messrs. Crane, Drew, Fisk, Gooding, Hargrove, Hefren, Johnston,

**Mathes, Miller, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Tarkington, Wallace, Wilson and Woods—19.**

*Those who voted in the negative were,*

**Messrs. Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, McCleary, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston and Yaryan—28.**

So the call of the Senate was not ordered.

**Mr. Slater of Dearborn** moved that the Senate now adjourn.  
The ayes and noes being demanded by five senators,

*Those who voted in the affirmative were,*

**Messrs. Alexander, Drew, Fisk, Gooding, Hargrove, Hefren, Johnston, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Sage, Slater of Dearborn, Tarkington, Wallace, Wilson and Woods—19.**

*Those who voted in the negative were,*

**Messrs. Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Stevens, Suit, Thompson, Wier, Weston and Yaryan—27.**

So the motion to adjourn did not prevail.

**Mr. Brown** moved to reconsider the vote taken on the motion to adjourn.

The ayes and noes being demanded by Messrs. Gooding and Brown,

*Those who voted in the affirmative were,*

**Messrs. Alexander, Brown, Crane, Drew, Fisk, Hargrove, Hefren, Johnston, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Tarkington, Wallace, Wilson and Woods—21.**

*Those who voted in the negative were,*

**Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Freeland, Gooding, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Wier, Weston and Yaryan—27.**

So the motion to reconsider did not prevail.

The question recurring on the adoption of the rule,

The ayes and noes being demanded by Senators Bearss and Green,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Stevens, Suit, Thompson, Weir, Weston, and Yaryan—25.

*Those who voted in the negative were,*

Messrs. Crane, Gooding, Johnston and Sage—4.

No quorum present the rule was not adopted.

Pending the consideration of the proposed additional rule,

On motion by Mr. Yaryan,  
The Senate adjourned.

SATURDAY MORNING, 9 o'clock,  
January 24, 1857.

The Senate met.

The reading of the journal was dispensed with.

Leave being granted,

Mr. Cravens offered the following resolution:

*Resolved*, That when the Senate adjourns, it adjourn till 2 o'clock P. M., on Tuesday next.

Which was agreed to.

By unanimous consent,

The rules were suspended, and

Mr. Tarkington moved to take up

Senate bill 18. A bill to provide for the appraisement of real property, and prescribing the duties of officers in relation thereto,

Which was agreed to.



Mr. Tarkington moved to amend the bill as follows :

Amend by adding after section 18 :

Sec. —. The several county auditors in making out the duplicate of real estate, shall add forty per cent. to the value of all real estate of every person, company and corporation, opposite whose name the appraisers shall have noted in the return, the words "refused to furnish a list," which shall be made out as county tax and collected by the county treasurer for the benefit of the county.

Which amendment was agreed to.

On motion by Mr. Tarkington,  
The bill was referred to the judiciary committee.

On motion by Mr. Slater of Dearborn,  
The Senate adjourned.

TUESDAY, 2 o'clock, P. M., }  
January 27, 1857. }

The Senate met.

The journal of Saturday was read.

The President laid before the Senate the following communication and accompanying report :

OFFICE OF TREASURER OF STATE. }  
Indianapolis, Jan. 23, 1857. }

Hon. A. A. HAMMOND,

*President of the Senate :*

SIR :—I have the honor to lay before the Senate the following statement, in answer to the following resolution, passed Jan. 22, 1857, to-wit :

"*Resolved*, That the Treasurer of State be required to lay before the Senate the amount of money received from each county arising

from the sales of swamp lands, and the amount of money expended in each county for ditching; and also, whether or not any part of said swamp land fund has been applied to or used for any purpose whatever, other than for ditching, and if so, to what purpose the same has been applied, and how much."

Very respectfully,  
W. R. NOFSINGER,  
*Treasurer of State.*

Which,

On motion by Mr. Murray,  
Was referred to the committee on swamp lands.

The President laid before the Senate the reports of the branch of the State bank of Indiana, at Evansville, and the branch of the State bank of Indiana at Richmond.

Which,

On motion by Mr. Crane,  
Was referred to the committee on banks.

The President laid before the Senate the following communication :

OFFICE AUDITOR OF STATE, }  
Indianapolis, January 24, 1857. }

HON. A. A. HAMMOND,

*President of the Senate:*

SIR: I have the honor to transmit herewith, a reply to the resolution of the Senate of the 22d inst., requesting information in regard to the operations of the common school fund, which you will please lay before that body.

I have the honor to be,

Very respectfully,

Your obedient servant,

H. E. TALBOTT,

*Auditor of State.*

OFFICE AUDITOR OF STATE, }  
Indianapolis, Jan. 24, 1857. }

HON. A. A. HAMMOND,

*President of the Senate:*

SIR: I am in receipt of the Senate resolution of the 22d inst., requesting to be informed of "the amount of money paid into the general school fund of the State, by each county, and also, the amount disbursed to the same during the past fiscal year," and in reply thereto, I have to refer the Senate to page 91 of my annual

report, which contains a statement "showing the number of children, amount of common school fund received for distribution, and the amount distributed to each county during the year 1856."

I have the honor to be,

Very respectfully,

Your obedient servant,

H. E. TALBOTT,

*Auditor of State.*

Which,

On motion by Mr. Murray,

Was referred to the committee on education.

#### PETITIONS, MEMORIALS, AND REMONSTRANCES.

Mr. Burke presented the petition of sundry citizens of Wayne county, on the subject of increasing the taxes on personal and real property, and polls, for the support of free schools.

Which,

On motion by Mr. Burke,

Was referred to the committee on education.

Mr. Parker presented the petition of Benjamin F. Gregory, late treasurer of Warren county, for relief.

Which,

On motion by Mr. Parker,

Was referred to the committee on claims.

Mr. Tarkington presented the petition of William J. Elliott, asking to be admitted to the seat now occupied by the Hon. John S. Bobbs.

Which,

On motion by Mr. Burke,

Was referred to the committee on elections.

Mr. Bobbs presented the petition of sundry citizens of the State of Indiana, on the subject of the reckless practice of medicine and surgery by incompetent persons.

Which,

On motion by Mr. Bobbs,

Was laid on the table.

#### RESOLUTIONS.

On motion by Mr. Murray,

*Resolved*, That a select committee of three be appointed to act in conjunction with a like committee of the House, to inquire and report to this Senate a plan for the better heating and ventilation

of the Hall, and that the House of Representatives be requested to concur.

The President appointed Messrs. Murray, McLean and Burke, said select committee.

On motion by Mr. Hefren,

*Resolved*, That the select committee upon the investigation of frauds and corruption in the procuring of the passage of the charter of the Bank of the State of Indiana, have the power to employ a clerk.

Mr. Cooper offered the following resolution :

*Resolved*, That the judiciary committee be requested to report whether the charter of the new Bank of the State of Indiana is susceptible of repeal, or any part thereof.

Mr. Gooding moved to lay the resolution on the table,  
Which was not agreed to.

The question then recurred on the adoption of the resolution ;  
Which was agreed to.

On motion by Mr. Bobbs,

*Resolved*, That the President of the Bank of the State of Indiana be requested to communicate to the Senate at as early a day as practicable, the names of the original stockholders, and the respective amounts of their stock in each branch, also the stockholders and their respective amounts of stock, on the 1st day of January, 1857.

Mr. Wallace offered the following resolution :

*Resolved*, That the Attorney General be requested to give the Senate his opinion as to the validity of the present criminal code, with his reasons for the opinion.

Which was agreed to.

On motion by Mr. Murray,

The vote adopting the resolution was reconsidered ; and,  
The question recurring on the adoption of the resolution,  
It was not agreed to.

On motion by Mr. Freeland,

*Resolved*, That the committee on finance be instructed to report

a bill empowering the Governor, Auditor and Treasurer of State, to apply the money of the State now in the State bank, to the purchase of our outstanding five per cent. bonds, and other bonds at their lowest market value.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Hefren introduced

Senate bill No. 49. A bill to amend "An act regulating decents and the apportionment of estates," approved May 14, 1852.

Which was read a first time.

Mr. Hefren moved that the rules be suspended, and the bill read a second time now by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bobbs, Crane, Crouse, Fisk, Freeland, Griggs, Hefren, Hill, Hostetler, March, Mathes, Miller, Murray, McCleary, McClure, McLean, Parker, Richardson, Rugg, Sage, Slater of Dearborn, Tarkington, Thompson, Wallace, Weir, Weston, Wilson and Woods—29.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Burke, Cooper, Cravens, Ensey, Gooding, Green, Johnston, Kinley, Mansfield, Rice, Slater of Johnson, Stevens and Yaryan—15.

On motion by Mr. Wallace,

The vote ordering the bill to a second reading by its title, was reconsidered, and,

The question recurred on the suspension of the rules, and the reading of the bill a second time now by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Bobbs, Brown, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Hefren, Hill, Hostetler, March, Mathes, Miller, Murray, McCleary, McClure, McLean, Parker, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Thompson, Wallace, Weir, Weston, Wilson, Woods and Yaryan—34.

S. J—12.

*Those who voted in the negative were,*

Messrs. Bearss, Burke, Gooding, Green, Griggs, Johnston, Kinley, Mansfield, Rice, and Stevens—10.

So the bill was read a second time by its title.

On motion by Mr. Hefren,

The bill was laid on the table, and 200 copies ordered to be printed for the use of the Senate.

By unanimous consent,  
Mr. Richardson introduced,

Senate bill No. 50. A bill to amend an act entitled "An act to incorporate the Clay Cotton Mills," approved Feb. 15, 1848.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Gooding introduced

Senate bill No. 51. A bill to preserve the purity of elections, and to amend section 21 of "An act regulating general elections, and prescribing the duties of officers in relation thereto," approved June 7th, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Drew introduced

Senate bill No. 52. A bill touching the disposition of the German Revised Statutes of 1852.

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

The Senate proceeded to the consideration of the following proposed additional rule, to the rules of the Senate, pending at adjournment on Friday last:

Rule —. No member shall vote on any question in the event of which he is immediately and personally interested; or in any case where he was not within the bar before the President announced the result of the vote.

Mr. Freeland moved to reconsider the vote ordering the main question to be now put.

Which was agreed to.

The question being shall the main question be now put?

Which was not agreed to.

Mr. Murray moved that the proposed additional rule be laid on the table.

The ayes and noes being demanded by Senators Wallace and Gooding,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Thompson and Weston,—22.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Johnson, Tarkington, Wallace, Wilson, Woods and Yaryan—22.

Mr. Slater of Dearborn and Mr. Weir were excused from voting.

The rule was laid on the table by the casting vote of the President.

Mr. Bearss moved that the Senate now adjourn.  
Which was not agreed to.

Mr. Crane moved to reconsider the vote rejecting rule 16 of the last Senate.

The ayes and noes being demanded by Messrs. Wallace and Gooding,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Crane, Drew, Fisk, Gooding, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Sage, Slater of Johnson, Tarkington, Wallace, Wilson and Woods—23.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Cooper, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hill, Kinley, March, Murray, Parker, Rice, Stevens, Thompson, Weston and Yaryan—21.

So the vote on rule 16 was reconsidered.

The question then recurred on the adoption of the rule.

The ayes and noes being demanded by Senators Wallace and Gooding,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Brown, Crane, Drew, Fisk, Freeland, Gooding, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, Murray, McCleary, McClure, McLean, Richardson, Rugg, Sage, Slater of Johnson, Tarkington, Wallace, Wilson and Woods—25.

*Those who voted in the negative were,*

Messrs. Blair, Burke, Cooper, Cravens, Crouse, Ensey, Green, Hill, March, Parker, Rice, Stevens, Thompson, Weston, and Yaryan—15.

So rule 16 of the last Senate was adopted.

Mr. Hefren moved to adopt all the rules of the last Senate not previously adopted.

Which was agreed to.

On motion by Mr. McLean,

Two hundred copies of the rules were ordered to be printed for the use of the Senate.

Mr. Yaryan moved to amend the rules by adding:

Rule —. That the parliamentary practice comprised in Jefferson's Manuel shall govern the Senate in cases to which it is applicable, and in which is not inconsistent with the standing rules and orders of the Senate and House of Representatives.

Mr. Wallace moved lay to the rule upon the table.

The ayes and noes being demanded by Senators Bearss and Murray,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Crane, Drew, Fisk, Gooding, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Johnson, Tarkington, Wallace, Wilson and Woods—22.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Cooper, Cravens, Crouse,



Ensey, Freeland, Green, Griggs, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Thompson, Weston and Yaryan—22.

So the rule was laid on the table by the casting vote of the President.

Mr. Wallace moved to reconsidered the vote adopting rule 16.

Mr. Murray moved that the Senate now adjourn.

The ayes and noes being demanded by Senators Murray and Bearss,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hill, Kinley, March, Murray, Parker, Rice, Stevens, Thompson, Weir, Weston and Yaryan—23.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Sage, Slater of Johnson, Tarkington, Wallace, Wilson and Woods—22.

So pending the motion to reconsider the vote on the adoption of rule 16, the Senate adjourned until to-morrow morning at 9 o'clock.

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WEDNESDAY MORNING, 9 o'clock, }  
January 28, 1857. }

The Senate met.

The journal of the preceding day was read.

The President laid before the Senate the following communication and accompanying report:

INDIANAPOLIS, January 27, 1857.

HON. ABRAM A. HAMMOND,

*President of the Senate :*

SIR :—I have the honor to submit to the honorable body over which you preside the following report of the Trustees of the Indiana University, supplementary to the annual report and catalogue for the academical year 1856.

Respectfully,

W. K. EDWARDS, *President.*

#### PETITIONS, MEMORIALS, AND REMONSTRANCES.

Mr. Cravens laid before the Senate a petition from sundry citizens of Madison, Jefferson county, asking that there shall be change in the standard weight of coal.

Which,

On motion by Mr. Cravens,

Was referred to the committee on manufactures.

Mr. Weir presented the petition of A. G. Deavitt, asking an allowance of one hundred dollars for services as assistant prosecutor for the State.

Which,

On motion by Mr. Weir,

Was referred to the committee on claims.

Mr. March presented a petition of sundry members of the German Baptist church relative to the law of marriage.

Which,

On motion by Mr. March,

Was referred to the committee on judiciary.

#### RESOLUTIONS OF THE SENATE.

On motion by Mr. Fisk,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of abolishing the court of common pleas and so increasing the number of circuit courts, as to do the business of both courts, and that they report by bill or otherwise.

By unanimous consent,

The rules were suspended, and

Mr. Tarkington moved to reconsider the vote referring the report of the Trustees of the Indiana University to the committee on finance.

Which was agreed to.

The question then recurred on referring the report to said committee.

Which was not agreed to.

On motion by Mr. Tarkington,  
The report was laid on the table.

Mr. McLean offered the following resolution :

*Resolved*, That the Senate, with the concurrence of the House of Representatives, on Tuesday next, at 2½ o'clock, proceed to the Hall of the House, for the specific purpose of electing a Canal Trustee, upon the part of the State, a State Agent, and a State Librarian, and that when such joint convention of the Senate and House of Representatives, shall have accomplished such specific purpose it shall adjourn *sine die*, and that it will not be competent for the said joint convention thus assembled, to entertain any motion or proposition for any purpose whatsoever during such session, other than for the specific purpose contemplated in this resolution.

On motion by Mr. McLean,

The further consideration of the resolution was postponed until 2 o'clock P. M., on Friday next.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Sage introduced,

Senate bill No. 53. A bill to amend section 1st, of chapter 110, of an act to amend section 3 of an act entitled "An act for the regulation of weights and measures;" approved February 28, 1855.

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

##### *House Bills on Second Reading.*

Senate bill No. 33. A bill to provide for the sale of freights shipped upon railroads, boats, and other public conveyances, to pay the expense of transportation, and to prevent the loss of the same to the owner.

Was read a second time.

Mr. Drew moved to amend the bill as follows :

SEC. 2. Amend by striking out "ten days," and inserting "sixty days."

On motion by Mr. Green,

The bill and pending amendment were referred to the committee on corporations.

Senate bill No. 34. An act to amend the 5th section of an act entitled "An act regulating the fees of officers, and repealing former acts in relation thereto;" approved March 2, 1855.

Was read a second time, and,

On motion by Mr. Hostetler,  
Referred to the committee on finance.

Mr. Sage moved to instruct the committee as follows :

The county auditors' fee for attending to the business of his office, including the business of his office in connexion with the school fund, shall be as follows, to-wit :

For all records, copies, and other writings necessary to be done in keeping the records and accounts of his office, including school fund business, for each 100 words, (counting abbreviation of words as words, and three figures for one word.....	\$0 12½
Filing each paper required by law to be kept in his office,	0 05
Issuing each county order.....	0 05
Registering each county order.....	0 05
Tax certificate.....	0 25
Each acknowledgment of a deed to be paid by the person for whom services is rendered.....	0 25
Assignment of tax and school certificate, and recording same to be paid by assignor.....	0 50
Administering oath.....	0 05
Each tax deed to be paid by the person receiving such deed.....	1 00
Each special, constables' bond, oath, and registration of the same, to be paid by constable.....	1 00
Each certificate and seal, to be paid by person requesting the same.....	0 50
Each mortgage, to secure loan of school funds, and acknowledgment, to be paid by mortgagor.....	1 00
Registering each loan of school funds and opening account with borrower.....	0 05
Registering each payment of principal or interest.....	0 05
For each tract or parcel of land sold for taxes.....	0 10
Taking every affidavit connected with business of this office.....	0 25
For each merchant's or other license.....	0 50
Registering each receipt given by treasurer for money...	0 05
Each bond taken in the discharge of his official duties...	0 30

Each quietus for land redeemed, to be paid by person redeeming . . . . .	\$0 20
Each quietus for treasurer's receipt . . . . .	0 05
Each written notice or process required to be under seal . .	0 50
If not under seal . . . . .	0 25
Each day engaged in the county board of equalization ..	3 00
For each parcel or lot of land transferred for taxation . .	0 10
Each report to the board of commissioners, superintendent, or Auditor of State . . . . .	2 00

For all business not specified in the above list, the board of commissioners shall make reasonable allowance, in accordance with the above rates : *Provided*, That for managing school funds no per cent. or other fees than those specified above shall be allowed.

Which amendment was adopted.

No. 31. A bill to provide for a change of venue on account of prejudice of presiding judge.

Was read a second time; and,

On motion by Mr. Hefren,

Referred to the committee on judiciary.

No. 38. A bill to authorize county recorders to demand their fees in advance.

Was read a second time and ordered to be engrossed.

No. 39. A bill to amend the second section of an act entitled "an act concerning enclosures, trespassing animals, and partition fences."

Was read a second time; and,

On motion by Mr. Johnston,

Referred to the committee on agriculture.

No. 40. A bill allowing the formation, and defining the liabilities of limited partnerships.

Was read a second time; and,

On motion by Mr. Rugg,

Laid on the table and one hundred copies ordered to be printed.

No. 41. A bill for the uniform mode of doing township business.

Was read a second time; and,

On motion by Mr. Brown,

Laid on the table and one hundred copies ordered to be printed.

By unanimous consent,

The rules were suspended, and

Mr. Weir presented the petition of sundry citizens of Laporte county, asking for the passage of a law for the protection of game within the State.

Which,

On motion by Mr. Weir,

Was laid on the table.

Senate bill No. 42. A bill relative to the salaries of public officers, and providing the manner of paying the same.

Was read a second time.

Mr. Sage moved to refer the bill to the select committee already appointed, to consider the bill allowing \$1,000 per annum for the furnishing the Governor's house.

Mr. Hostetler moved to lay the bill on the table.

Which was not agreed to.

The bill was then referred to the select committee before named.

Senate bill No. 44. A bill to amend an act entitled "an act concerning interest on money," approved May 27, 1852,

Was read a second time; and,

On motion by Mr. Murray,

The further consideration of the bill was postponed to and made the special order for Wednesday next, at 2 o'clock, P. M.

Senate bill No. 43. An act to amend the 38th section of an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852.

Was read a second time; and,

On motion by Mr. McLean,

Referred to the committee on the organization of courts.

Senate bill No. 48. A bill to amend the 18th section of an act entitled "An act for the more uniform mode of doing township business," approved May 6, 1852.

Was read a second time, and,

On motion by Mr. Green,

Laid on the table.

Senate bill No. 47. A bill to provide for the taxation of railroad companies, and of the real estate of said companies.

Was read a second time, and,

On motion by Mr. Miller,

Referred to a select committee consisting of one from each congressional district.

The President appointed the following Senators as said select committee, viz:

Messrs. Miller, Drew, Crane, Cravens, Stevens, March, Brown, McLean, Rice, Rugg, Green and Parker.

Senate bill No. 45. A bill to repeal the 10th section of an act entitled "An act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of judges thereof," approved June 11, 1852.

Was read a second time.

Mr. March moved to refer the bill to the committee on the judiciary;

Pending which,

On motion by Mr. Sage,,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

The pending question being, shall Senate bill No. 45, be referred to the committee on the judiciary?

Which was agreed to.

Senate bill No. 46. A bill to cure defects in the certificates of acknowledgment of conveyances of real estate, and in the record of such acknowledgments in certain cases therein named.

Was read a second time. and,

On motion by Mr. March,

Referred to the committee on the judiciary with the following amendment, viz: "That hereafter, no seal or scroll shall be necessary to give validity to a deed executed by a natural person."

On motion by Mr. Gooding,

The committee on the judiciary was instructed "to inquire into, and report to the Senate, as to the constitutional power of the General Assembly to enact such a law."

Senate bill No. 35. A bill to facilitate the ditching and draining of swamp lands as therein provided.

Was read a second time, and,

On motion by Mr. Freeland,

Referred to the committee on swamp lands.

Senate bill No. 50. A bill to amend "An act to incorporate the Clay Cotton Mills," approved Feb. 15, 1848.

Was read a second time, and,

On motion by Mr. Slater of Dearborn,

Referred to the committee on corporations.

Senate bill No. 51. A bill to preserve the purity of elections, and prescribing the duties of officers in relation thereto; approved June 7, 1852.

Was read a second time, and,

On motion by Mr. Rugg,

The bill was amended as follows:

So as to say "more than twenty-one years of age," instead of "over twenty-one years."

Mr. Bobbs moved to amend the bill as follows:

"That you have resided in the township the last preceding thirty days."

Mr. Brown moved the following amendment to the amendment:

"So as to provide for sixty days residence in the township."

On motion by Mr. Murray,

The bill and the pending amendments were referred to the committee on elections.

Mr. Rugg moved to instruct the committee to amend the bill as follows, to-wit:

Amend by adopting the constitutional provision, to-wit: Sec. 2, Art. 2, of the Constitution of the State of Indiana.

Mr. Suit moved to lay the instructions on the table.

The ayes and noes being demanded by Senators Rugg and Hefren,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Gooding, Green, Griggs, Hendry, Hill, Kinley, March, Mansfield, Miller, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weston and Yaryan—28.



*Those who voted in the negative were,*

Messrs. Alexander, Ensey, Fisk, Freeland, Hargrove, Hefren, Hostetler, Johnston, Mathes, McCleary, McClure, McLean, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, and Woods—18.

So the motion to lay on the table was agreed to.

Mr. Murray moved to instruct the committee to amend the bill as follows, viz:

Amend by adding an amendment of the 22d section of the law of 1852, so as to authorize the board of judges to hear other evidence of the elector's right to vote.

Mr. Suit moved to lay the instructions on the table.

The ayes and noes being demanded by Senators Murray and Suit,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Rugg, Slater of Dearborn, Slater of Johnson, Suit, Tarkington, Wallace and Wilson—21.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Thompson, Weston, Woods and Yaryan—26.

So the motion to lay the instructions on the table did not prevail.

The question recurred on the adoption of the instructions.

The ayes and noes being demanded by Senators March and Johnston,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Rice, Sage, Stevens, Thompson, Weston and Yaryan—24.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove,

Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Parker, Rugg, Slater of Dearborn, Slater of Johnson, Suit, Tarkington, Wallace, Wilson and Woods—24.

So the amendment was not adopted by the casting vote of the President.

By unanimous consent,  
The rules were suspended, and  
Mr. Gooding offered the following resolution :

*Resolved*, That the use of the Senate Chamber be tendered to Mr. Fowler on next Friday evening, at 7 o'clock, P. M., to lecture on temperance.

Mr. March moved to amend the resolution as follows :

“ Provided he examines the heads of the members of the Senate free of charge.”

Mr. Rugg moved to amend the amendment as follows :

“ And report to the members.”

On motion by Mr. Suit,

The resolution and pending amendments were laid upon the table.

On motion by Mr. Sage,

The vote laying the resolution to go into joint convention for the election of State officers, on the table and making it the special order for Friday next at 2 o'clock P. M., was reconsidered.

By unanimous consent,  
Mr. McLean withdrew the resolution.

On motion by Mr. Brown,  
The Senate adjourned.

THURSDAY MORNING, 9 o'clock, }  
January 29, 1857.

The Senate met.

The journal of the preceding day was read.

The President laid before the Senate the following communication and accompanying report :

HON. A. A. HAMMOND,

*President of the Senate :*

SIR:—I have the honor to present herewith the fifth annual report of the Superintendent of Public Instruction, to be laid before the Senate over whom you preside.

Yours truly,

CALEB MILLS, *Sup't.*

INDIANAPOLIS, January 28, 1857.

Which,

On motion by Mr. Yaryan,

Was laid on the table and 2,000 copies ordered to be printed for use of the Senate.

#### PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Yaryan presented a petition from the Society of Friends on the subject of temperance.

Which was,

On motion by Mr. Yaryan,

Referred to the committee on temperance.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Crouse, chairman of the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations to whom was referred Senate bill No. 50, A bill to amend an act entitled "an act to incorporate the Clay Cotton Mills," approved February 15th, 1848, have had the same under consideration, and have instructed me to report it back to the Senate, and recommend its passage.

Which was concurred in, the bill engrossed and ordered to be read a third time to-morrow.

# SENATE JOINT RESOLUTIONS.

By unanimous consent,  
Mr. Cravens introduced,

Senate Joint Resolution No. 1. A joint resolution on the subject of printing the statutes.

Which was read a first time and passed to a second reading.

## RESOLUTIONS.

On motion by Mr. Weir,

*Resolved*, That the committee on swamp lands be authorized to employ a clerk.

On motion by Mr. Bobbs,

*Resolved*, That the committee on the judiciary be directed to inquire if any legislation is necessary to enable naturalized citizens of the United States to inherit real estate or other property, descending or bequeathed them in any foreign countries, with leave to report by bill or otherwise.

Mr. Suit offered the following resolution :

*Resolved*, That it is inexpedient to go into the election of United States Senators or other officers during the present session of the General Assembly.

Mr. Suit moved to lay the resolution on the table and make it the special order for Thursday next, at 10 o'clock, A. M.

Mr. Johnston called for a division of the question.

The question being shall the resolution lay on the table ?

The ayes and noes being demanded by Senators Wallace and Hefren,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Green, Griggs, Hefren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Murray, McCleary, McLean, Parker, Richardson, Rice, Rugg, Sage, Stevens, Suit, Tarkington, Thompson, Wallace, Weir, Weston, Woods and Yaryan—39.

*Those who voted in the negative were,*

Messrs. Alexander, Fisk, Gooding, Hargrove, Mansfield, Mathes, Miller, McClure, Slater of Dearborn, Slater of Johnson and Wilson—11.

So the resolution was laid on the table.

The question being shall the resolution be made the special order for Thursday next at 10 o'clock A. M.

The ayes and noes being demanded by Senators Hefren and Johnston,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Stevens, Suit, Thompson, Weir, Weston and Yaryan—26.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, Wilson and Woods—24.

So the resolution was made the special order.

Mr. Fisk offered the following resolution:

*Resolved,* That the Senate, with the concurrence of the House, will meet in joint convention on Wednesday next, for the purpose of electing State Agent and other officers of State, and when such specific object is accomplished, adjourn *sine die*.

Mr. Murray moved to lay the resolution on the table.

The ayes and noes being demanded by senators Wallace and Fisk,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, and Yaryan—27.

S. J.—13.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, Wilson, and Woods—23.

So the resolution was laid on the table.

Mr. Gooding offered the following resolution :

*Resolved*, That the Senate will, the House concurring, meet in joint convention, in the hall of the House of Representatives, on to-morrow, at two o'clock, P. M., for the specific and only purpose of electing, by joint ballot, a State Agent, and that it shall not be in the power of said joint convention to do any act other than electing a State Agent and adjourning *sine die*.

Mr. Parker moved to lay the resolution on the table.

The ayes and noes being demanded by senators Fisk and Miller,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Wier, Weston and Yaryan—27.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetle, Johnston, Mathes, Mansfield, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, Wilson and Woods—23.

So the resolution was laid on the table.

Mr. McLean offered the following preamble and resolution :

WHEREAS, It has always been the usage of the General Assembly of the State of Indiana to chose United States Senators by a joint vote of the two houses of said General Assembly; AND WHEREAS, the only law, except such usage, under which the Legislature of this State has acted in the election of such senators, for the last fifteen years, is the statute of 1837, requiring such election to be made by a *viva voce* vote; AND WHEREAS, section 13 of article 2 of the constitution of this State prescribes

that "all elections by the General Assembly, or by either branch thereof, shall be *viva voce*;" AND WHEREAS, section 3 of article 1 of the constitution of the United States declares, that "the Senate of the United States shall be composed of two senators from each State, chosen by the legislature thereof for six years, and each senator shall have one vote; AND WHEREAS, it is the opinion of this Senate that, by the constitution of the United States and of this State, the manner of electing a United States Senator is sufficiently pointed out in the absence of any statute law providing for the same; AND WHEREAS, this Senate is of the opinion that it is an imperative duty, plainly pointed out by the constitution, devolving upon the present legislature, to elect two United States Senators from this State, in order that the State shall not be wholly disfranchised upon the floor of the United States Senate; therefore,

*Resolved*, That the Senate, on Thursday next, at half past two o'clock, proceed to the hall of the House of Representatives, for the purpose of electing two United States Senators from this State, one to serve for six years from the 4th of March, 1857, and one to fill a vacancy already existing, and that the House of Representatives be informed of the adoption of this resolution.

Mr. Suit moved to lay the resolution on the table.

The ayes and noes being demanded by senators Murray and Wilson,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, and Yaryan—27.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, Wilson and Woods—23.

So the resolution was laid on the table.

Mr. Richardson offered the following preamble and resolution :

WHEREAS, It being customary for the proprietors of caravans, menageries, circuses, rope or wire dancing troupes, concert troupes and other theatrical troupes who travel through the State for the

purpose of gain to evade the payment of license, contemplated by sec. one of an act entitled "An act concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legerdemain; AND WHEREAS, much money is annually lost to the agricultural societies of the State for the evasion aforesaid, therefore,

*Resolved*, That the committee on agriculture be instructed to inquire into the expediency of so amending section 1st of the aforesaid act as to secure the payment of a license from each and every traveling or stationary troupe, who exhibit in the State for the purposes of gain, under whatever name or combination they may be known to the public.

Which were agreed to.

Mr. Cravens offered the following resolution :

*Resolved*, That the only legal and constitutional mode of electing United States Senators, is by each House of the General Assembly in their separate and independent capacity, and that at the proper time the Senate will proceed in such manner to the election of said United States Senators.

Mr. Tarkington moved to lay the resolution on the table.

The ayes and noes being demanded by Senators Cravens and Suit,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, Wilson and Woods—24.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Stevens, Suit, Thompson, Weir, Weston and Yaryan—26.

So the motion to lay on the table did not prevail.

Mr. Hefren moved to amend the resolution as follows :

By striking out the words "the only," before "legal," and inserting "a."

The ayes and noes being demanded by Senators Suit and Cravens,



*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Hostetler, Hefren, Johnston, Kinley, March, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, Wilson, Woods and Yaryan—27.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Murray, Parker, Rice, Stevens, Suit, Thompson, Weir, and Weston—23.

So the amendment was adopted.

The resolution as amended, was agreed to.

Mr. Sage offered the following resolution :

*Resolved*, That no more resolutions shall be entertained by this Senate in regard to to a joint convention of the two Houses of this General Assembly, until the joint rules of the two Houses are so amended as to make it incompetent for said joint convention to transact any other business than that for which it was specifically convened.

The ayes and noes being demanded by senators Gooding and Wallace,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hefren, Hendry, Hill, Johnston, Kinley, March, Miller, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, Woods and Yaryan—31.

*Those who voted in the negative were,*

Messrs. Alexander, Drew, Fisk, Gooding, Hargrove, Hostetler, Johnston, Mansfield, Mathes, McCleary, McClure, McLain, Richardson, Rugg, Slater of Dearborn, Tarkington, Wallace and Wilson—18.

So the resolution was adopted.

On motion by Mr. Suit,

*Resolved*, That the committee on finance be instructed to inquire into the expediency of allowing Henry M. Graham of Carroll co.,

a compensation for the arrest of Day, an escaped convict from the jail in the county of White.

On motion by Mr. Johnston,

*Resolved*, That the committee on county and township business be instructed to inquire into the expediency of authorizing the county boards of the several counties of this State, to have the plats and field notes made by county surveyors, to be transcribed into new books to be provided for that purpose, in order that the same may be more securely kept for future reference, and report by bill or otherwise.

By unanimous consent,  
The rules were suspended, and,

On motion by Mr. Tarkington,

The supplemental report of the trustees of the Indiana University was taken from the table, and 500 copies ordered to be printed for the use of the Senate.

On motion by Mr. Crane,  
The Senate adjourned.

2 O'CLOCK, P. M.

The Senate met.

Mr. Cravens moved a call of the Senate,  
Which was agreed to.

The Secretary proceeded with the call,  
Whereupon, it being found that a quorum was present,

On motion by Mr. Freeland,  
The further call of the Senate was dispensed with.  
Mr. Cravens offered the following preamble and resolution :

WHEREAS, On the 12th day of January, 1857, whilst the Senate was engaged in the discussion of a resolution of the House of Representatives in accordance with section four of article five of the constitution of this State, which is in the following words, to-wit: "The returns of every election for Governor and Lieutenant Governor, shall be sealed up and transmitted to the seat of government, directed to the Speaker of the House of Representatives, who shall open and publish them in the presence of both houses of the General Assembly," which resolution of the

House of Representatives had fixed the hour of half past two o'clock for such opening and counting:

AND WHEREAS, Before any decision was had upon said resolution, and before any vote was either taken or demanded upon the same, and one half hour before the time fixed by said House resolution, the Lieutenant Governor and *ex-officio* President of the Senate and Governor elect, arose in his place, delivered to the Senate a short valedictory, at the close of which he announced in the following words, "I now repair to the hall of the House;" whereupon, without adjournment of the Senate, or any other action of the same in relation thereto, he, the said President, descended from the rostrum, and immediately proceeded from the Senate chamber followed by a minority of the Senate:

AND WHEREAS, A majority of the fifty senators of which this body is composed, as provided by the constitution of this State, remained in session and under a call of the Senate, when it was ascertained that a majority, but a quorum of two-thirds, as provided by the constitution, was not present, a resolution embodying said facts was introduced and made part of the record of the Senate:

AND WHEREAS, This Senate continued in session until the return of the absent members, when the aforesaid resolution, with pending amendment, was concurred in by the Senate:

AND WHEREAS, It has been told to the senators, or a majority of the members of this house, that during the absence of the minority of the senators, a meeting was held in the hall of the House of Representatives, at which said meeting the returns of the election of Governor and Lieutenant Governor are said to have been opened and published, and at which said meeting it has also been said that the Lieutenant Governor, *ex-officio* President of the Senate, and Governor elect, was inaugurated as Governor:

AND WHEREAS, When the so styled inauguration and induction into office of the Governor elect, the said President of the Senate is also reported to have called to the chair, as the presiding officer of said meeting, one of the minority senators, which senator, after the so called ceremony of inauguration had been concluded, without authority or instructions so to do, by said meeting, is said to have pronounced the joint convention adjourned to meet again at two o'clock, P. M., on Monday, the second day of February next:

AND WHEREAS, There has not been, during the present session of this General Assembly, any joint convention, or any determination therefor, or action in relation thereto by this Senate:

AND WHEREAS, Any joint convention of the two houses of the General Assembly must necessarily consist of a quorum of each house, neither house being competent to the transaction of any business in a separate and independent capacity without a quorum, which consists of two-thirds of the members elect, such

competency could not be conferred or derived by any meeting of the minority of the senators with the members of the House, or the House as such :

AND WHEREAS, It is reported at such adjourned meeting, or so called joint convention, it is the design to elect two United States Senators :

AND WHEREAS, Any such election, by any such unauthorized, illegal, and unprecedented meeting or body, would be inconsistent with the character of this General Assembly, in violation of the constitution of this State, which does not contemplate or provide for any joint convention for any such election or purpose, insulting to this Senate, and highly disrespectful to the Senate of the United States, in view of its recent decision in a like case, and disorganizing and revolutionary in its character ; therefore,

*Be it resolved*, That this Senate does disclaim any knowledge of, or participation in any meeting, or so styled joint convention, for the above or any other purpose, and if at any adjourned meeting of said body it is proposed to have any election for United States Senators, or other officers, or to transact any other business which it might be competent for, or the duty of this General Assembly to elect or perform, this Senate does hereby most solemnly and earnestly protest against any such action as wholly unauthorized by this House, without its knowledge, consent or concurrence, and that we will here as elsewhere, now and forever repudiate and disown any such act or action, as flagrantly illegal, and a fraud upon the sovereignty of the people and State of Indiana.

Mr. Tarkington moved to refer the preamble and resolution to the committee on the judiciary.

The ayes and noes being demanded by Senators Weir and Parker,

*Those who voted in the affirmative were,*

Messrs. Drew, Fisk, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, Wilson and Woods—20.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, and Yaryan—27.

So the motion to refer was not agreed to.

The question recurred on the adoption of the preamble and resolution.

The ayes and noes being demanded by Senators Cravens and Murray,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, and Yaryan—27.

*Those who voted in the negative were,*

Messrs. Drew, Fisk, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, Wilson and Woods—20.

So the preamble and resolution was adopted.

On motion by Mr. Bearss,

*Resolved*, That the committee on finance be instructed to inquire into the expediency of allowing James B. Fulwiler of Miami county, a compensation for the arrest of Braugh, an escaped convict from the jail in the county of Miami.

On motion by Mr. Stevens,

*Resolved*, That the committee on finance be instructed to inquire into the expediency of reporting a bill providing that if a man having a family die, leaving not to exceed five hundred dollars worth of property, the family shall hold the same against the claims of all creditors, and in no case to exempt less than five hundred dollars to all such females.

On motion by Mr. Freeland,

*Resolved*, That one copy of the documentary journal for the year 1855 be distributed by the Superintendent of Public Instruction, to each of the township libraries.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Hefren introduced,

Senate bill No. 54. A bill to regulate and restrain the retailing

of spirituous liquors, and for the suppression of the evils arising therefrom.

Which was read a first time.

Mr. Slater of Johnson moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Bearss, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Green, Griggs, Hargrove, Hefren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mathes, Miller, Murray, McCleary, McLean, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Weir, Weston, Wilson, Woods and Yaryan—44.

*Those who voted in the negative were,*

Messrs. Blair, Mansfield, McClure and Wallace—4.

So the rules were suspended and the bill read a second time by its title.

Mr. Brown moved to amend the bill so as to require the payment of one hundred dollars for license.

Mr. Weir moved to amend the amendment by striking out "one hundred dollars," and inserting "fifty dollars."

Mr. Suit moved to refer the bill and pending amendments to the committee on temperance.

The ayes and noes being demanded by Senators Suit and Parker,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Griggs, Hargrove, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Mathes, Miller, Murray, McClure, McLean, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Stevens, Suit, Tarkington, Thompson, Weir and Yaryan—38.

*Those who voted in the negative were,*

Messrs. Brown, Gooding, Green, Hefren, McCleary, Slater of Johnson, Wallace, Weston, Wilson and Woods—10.

So the motion to refer the bill and pending amendments was agreed to.

Mr. Rugg moved to instruct the committee as follows :

Amend by reporting a bill to provide for the licensing the retailing of liquors.

Mr. Suit moved lay to the instructions on the table.

The ayes and noes being demanded by Senators Suit and Parker,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Gooding, Green, Griggs, Hargrove, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Mathes, Miller, Murray, McCleary, McLean, Parker, Richardson, Rice, Sage, Stevens, Suit, Thompson, Wallace, Weir, Weston, Wilson, Woods and Yaryan—39.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Burke, Drew, Fisk, Hefren, McClure, Rugg, Slater of Dearborn and Slater of Johnson—10.

So the motion to lay on the table was agreed to.

Mr. Hill moved to instruct the committee as follows :

That we deem it inexpedient for the State to tax any person for the privilege of selling intoxicating liquors.

Mr. Suit moved to lay the instructions on the table.

The ayes and noes being demanded by Senators Gooding and Parker,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Bobbs, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Fisk, Hargrove, Hendry, Hostetler, Kinley, March, Mansfield, Mathes, Murray, McCleary, McClure, McLean, Parker, Richardson, Rice, Slater of Dearborn, Slater of Johnson, Suit, Tarkington, Thompson, Wallace, Weir, Wilson, Woods and Yaryan—34.

*Those who voted in the negative were,*

Messrs. Blair, Burke, Ensey, Freeland, Green, Griggs, Hefren, Hill, Johnston, Miller, Rugg, Sage, Stevens and Weston—14.

So the instructions were laid on the table.

Mr. Weir moved to instruct the committee as follows :

To amend the bill with graded licenses to not less than fifty dollars nor more than five hundred dollars.

On motion by Mr. Suit,

The instructions were laid on the table.

By unanimous consent,  
Mr. McLean introduced

Senate bill No. 55. A bill to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Bearss introduced

Senate bill No. 56. A bill to provide for the relief and support of married women when deserted by their husbands, and children when deserted by their parents, by the sale of the property.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Hostetler introduced

Senate bill No. 57. A bill to amend the 15th, 18th and 35th sections of an act entitled "An act to provide for the opening, vacating and changing highways," approved June 15th, 1852, and to repeal sections 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37 and 38, of said act, and also to repeal sections 13, 14 and 18 of an act entitled "An act for the more uniform mode of doing township business."

Which was read a first time and passed to a second reading.

Mr. Wallace moved to suspend the rules and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Blair, Bobbs, Burke, Chapman, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Green, Griggs, Hefren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mathes, Murray, McCleary, McClure, McLean, Parker, Richardson, Rugg, Sage, Slater of Dearborn, Stevens, Suit, Tarkington, Thompson, Wallace, Weir, Weston, Wilson, Woods and Yaryan—40.



*Those who voted in the negative were,*

Messrs. Gooding and Mansfield—2.

So the rules were suspended and the bill read a second time by its title.

On motion by Mr. Wallace,

The bill was referred to the committee on county and township business.

On motion by Mr. Suit,

The Senate adjourned.

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FRIDAY, 9 o'clock, A. M., }  
January 30, 1857. }

The Senate met.

The journal of the preceding day was read.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Suit, chairman of the committee on elections, made the following report:

MR. PRESIDENT:

The committee on elections, to whom was referred the papers in the case of the contested election, from the Senatorial District composed of the counties of Marshall, Starke, Fulton and St. Joseph, between Kline G. Shryock as contestant, and Hugh Miller as contestee, have had the same under consideration, and have directed me to make the following report, to-wit:

Your committee find that all the votes cast in said senatorial district for senator, were cast either for the contestant or contestee, as is shown by the certificate of the sheriffs of the several counties comprising said district, and which the said contestee filed with the Secretary of the Senate as the credentials by virtue whereof he

claims to be the Senator for said district. The same certificate also shows that the whole number of votes cast for senator in said district, was seven thousand one hundred and fifty-one, and that of these, the contestant received three thousand five hundred and seventy-two, and the contestee received three thousand five hundred and seventy-nine, thus giving the latter a majority of *seven* votes over the former, and *prima facie* showing that he was duly elected senator from third district for the term of four years from the day next succeeding the day of said general election.

Immediately after the said sheriffs had declared the result of the election for senator in said district as aforesaid, the contestant proceeded to contest the election of the contestee as declared by said certificate, and in pursuance of that object, and of the provisions of the statute in such case, made and provided within ten days after said election, filed with the clerk of the St. Joseph circuit court, and with the clerk of the Starke circuit court, and with the clerk of the Fulton circuit court, a statement of the grounds of contest upon which he relies, and also that he was entitled to vote at said election, which statement was verified by his oath.

These statements of the grounds of contest alledge :

*First*.—That in each of the several counties comprising said district, illegal votes were cast for said contestee, and that without such illegal votes said election would have resulted in the choice of the contestant to represent said district in the Senate : and

*Second*.—That said contestee at the time of said election, and at the time of filing said statement was ineligible to the office of Senator ; because he was judge of the common pleas court, for the district composed of the counties of Fulton and Pulaski, and that after said election, as late as the 23d of October, 1856, he still continued to exercise the functions of said judicial office.

No proceedings important to the decision of this cause were had in any other counties than Fulton and St. Joseph. The commission provided for in the Statute, (1 R. S., 1852, chap. 34, sec. 6,) was duly issued by the clerk of the St. Joseph circuit court, to Eleazer Crouch and Archibald Defrees, two justices of the peace of the county of St. Joseph, and the 18th day of November, A. D., 1856, and the court house in South Bend in said county, fixed in said county fixed in said commission as the time and place specified therein for the purpose of taking depositions, of all which due notice was served upon contestee.

The parties appeared, the contestee filed his protest against the right and authority of said justices to proceed in this matter ;

*First*.—Because there are not facts sufficient stated in said notice of contest as the the law requires.

*Second*.—That said statement of facts are not verified by affidavit. In addition to this protest the contestee filed his answer, traversing the allegations of the statement of the grounds of contest filed by contestant.

Your committee would further state that since the commence-

ment of the present session of the General Assembly of the State of Indiana, the contestant has filed his petition herein, which was referred by a vote of the Senate to your committee; and that said contestant after specifying the names of divers individuals alleged by him to have voted for contestee and showing their want of qualifications to vote, shows that the inspector and judges of elections in Harris township in St. Joseph county, made a mistake in counting the vote of that township against the contestant, whereby he was declared to have received at said poll, *five* votes less than he actually did receive; and also, that the inspector and judges aforesaid in violation of law, threw away one other vote for the contestant which should have been counted in his favor, in said Harris township.

A large number of depositions taken in Fulton and St. Joseph counties, have been considered by your committee, and will form the basis of their conclusions in determining this case. To these depositions, all objections of form are waived by the parties, who reserved the right to object only to the admissibility of certain portion thereof; and when admissible to their sufficiency upon any given point in the case.

The cause was submitted to your committee upon the aforesaid statements, allegations, petitions, answer and depositions; and after hearing the argument of counsel, and mature consideration had, they have been led to the following conclusions, to-wit:

*First.*—That the sheriff's certificate aforesaid shows a nominal majority in favor of the contestee of seven votes and no more.

*Second.*—That this majority should be increased by reason of two illegal votes which were cast for the contestant, viz: one, that of Aaron Lee who voted in St. Joseph county, and who is shown by his own deposition was, at the time of the election, under the the age of twenty-one years; two, that of John Roof, who voted in Worth township, in Marshall county, and as shown by his own oath was under twenty one years of age. Although these witnesses do not swear positively that they voted for the contestant, they do swear that they voted the Republican ticket, without erasure; and your committee cannot hesitate in the conclusion that they voted for the candidate of that party for senator; and inasmuch as they were not legal voters, their votes should in this contest, be subtracted from the aggregate number of votes cast for the contestant. These will of course increase the majority of the contestee to nine votes.

*Third.*—But there was one vote cast for the contestee in Madison township, in St. Joseph county, which was not counted for him, in estimating the votes cast at that precinct: and this, when added to his majority will increase it to *ten votes*. This majority must be fairly overcome, or the contestee must remain undisturbed in the position which he now occupies. Is it overcome by the evidence? If so, how? In the opinion of your committee that majority is overcome by the evidence, and as follows, viz:

*First.*—By proof of fraudulent and illegal votes cast for the contestee.

*Second.*—By proof that legal votes cast for the contestant were, by the mistake of the inspector and judges of the election, in Harris township, in St. Joseph county, not counted for him.

*Third.*—By proof that one vote for the contestant was, contrary to law and right, thrown away in said township by the inspector and judges aforesaid.

*First.*—By proof that illegal and fraudulent votes were cast in favor of the contestee.

Your committee are well satisfied from the evidence that there were at least five fraudulent and illegal votes cast for the contestee in Fulton county alone. But it may not be amiss to observe before proceeding to consider the special facts connected with each of them, an important general principle applicable to most of them; that principle is this, viz: that fraud will not be presumed but must be proved. Now, bearing this principle in mind, we must conclusively presume that each voter votes for those whom he intends to support by his suffrage, or supposes he is supporting at the time he votes; for it is a fraud and made penal by law, for one man to deceive another in regard to the character of his ticket. Such an inference cannot arise without proof; the law shuts the door against it, and in doing so, as conclusively affixes to every mans actions the precise character he intended to give them. Therefore wherever any man intends to vote, or supposes he is voting for any given man or party, we must infer that he votes according to his intentions—as he supposes he is voting, until the contrary is shown by competent and sufficient proof of the contrary.

The first vote falling within the category of votes denominated fraudulent, given for the contestee in Fulton county, to which your committee desire to call attention, is that of William Auckerman. He was not twenty-one years old until the 7th of November, 1856, yet swears he voted the democratic ticket, and supposes he voted for the contestee at the general election on the 14th of October, 1856. No argument can add anything to the force of these facts. The second of the same class is that of Edward Weeden, who is an alien born; came into the United States about six years ago, is thirty years of age, voted at the general October election, 1856, although he has never filed or made any declaration of his intentions to become a citizen of the United States, for the democratic party, and he supposes he voted for the contestee. It is not shown that he was deceived, and that he was, is not to be presumed.

The third, fourth and fifth of the same class, are identical in the facts which give rise to the laws governing our decision upon their character. James Wallace, William Wallace and William Surgy, are the sons of alien parents, and were themselves born aliens. They have never become citizens of the United States by any act of their own, nor declared their intention to do so. They voted at the general election in 1856, for the contestee. Their only claim

to the right of suffrage arises from the fact that they were brought into the United States when minors, and they assert that while they were still in a minority, their fathers respectively were naturalized under the laws of Congress. But the contestant objects to parol evidence being admitted to prove the naturalization of their fathers, and there is no other proof adduced. So the whole question of the legality of these three votes must turn upon the competency of parol proof to establish the existence and contents of a judgment of naturalization. Is it competent for that purpose? Your committee think not. They regard the act of naturalization as the judgment of a court of record, susceptible of being proven only by the record itself, or by a duly authenticated copy thereof; and the absence of such record or copy in the present instance, where it is shown by other evidence, that if such records exist they might easily have been adduced upon the hearing of this cause, goes far to impair our confidence in secondary evidence, which, though clearly inadmissible, might under other circumstances, have borne at least an air of impartiality.

That your committee are not mistaken in these views of the nature of the act of naturalization, that its consummation requires the judgment of a court of record, and that the only competent evidence of the existence and of that judgment is the record or a certified copy thereof, are propositions too clear to need enforcement by argument or illustration. Nevertheless, your committee in this connection, desire to call attention to the act of Congress of the 14th of April, 1802, entitled "An act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on that subject." By the second and third clauses of the first section of this act, it will be seen that the process by which an alien is admitted to the rights of citizenship, is judicial, and required to be spread upon the record; and the adjudication, as in other cases, is conclusive evidence that the prerequisites have been complied with. *Starke v. The Chesapeake Insurance Company*, 7 Cranch, 420; also, *Campbell v. Gordon*, 6 Cranch, 176, 183.

These cases determine and settle the position, that the admission of an alien to the rights of citizenship can only take place by the judgment of a court of record, and the record thereof, can only be proven by an exemplification, a copy made by an authorized officer or by a sworn copy thereof. 1 Greenleaf on Evidence, §§ 501, and 521. Your committee therefore conclude that the evidence offered to prove the naturalization of the fathers of the two Wallaces and Surguy is inadmissible; and it being established by positive and uncontradicted proof, that said Wallaces and Surguy are alien born of alien born parents, who had not, when they voted for contestee, declared their intention to become citizens of the United States, that their votes were illegal and void.

Without stopping to inquire whether there were other, and what other illegal votes cast for said contestee in Fulton county, your committee deem it clear beyond all controversy, that the five votes al-

ready specified were illegal, and should be subtracted from the aforesaid majority of the contestee. In addition to these, your committee find that there were several illegal and fraudulent votes cast for the contestee in St. Joseph county. That such is the character of the following votes, your committee entertain no doubt.

Christain Weiss, a resident of Peru township at the time of the election, voted in Portage township in St. Joseph county. This was in violation of the spirit of the constitution, [Const. art. 2, sec. 2,] which provides that electors shall be entitled to vote in the township or precinct where they may reside, and of the letter and spirit of the statute regulating general elections, which declares that each elector shall vote in the township or precinct in which he resides; 1 R. S. 1852, chap. 31, sec. 5. Any principle upon which this vote could be sustained would render any voter of one township or county a competent voter at any general election in any other township or county for all officers of the State at large, or for any district embracing both the place of residence, and that where he might choose to vote.

The consequences which must result from such a principle, must lead to its rejection, if it was not opposed to the express law. The vote of Christian Weiss must therefore be taken from the majority of the contestee, as being fraudulent and void.

John Peffer sold his property, real and personal, and left the State of Indiana about the last of May or first of June last, with the intention of living with hisson in-law in the State of Pennsylvania, where he remained until the first of August, when he returned to the State of Indiana. He voted the democratic ticket—the name of the contestee was upon the ticket. He was not entitled to vote at that election, for having removed from the State of Indiana about the last of May or first of June last, *animo manendi*, with the intention of remaining, he lost his residence, and upon his return was not entitled to vote until he should remain in the State six months, as required by the constitution of the State. Art. 2 sec. 2. If there were any facts connected with the absence of this man calculated to show that he did not loose his residence, these facts should have been adduced by the contestee. They have not been. Your committee therefore conclude they do not exist, and that said Peffer had not been a resident of the State of Indiana for the six months immediately preceding the last October election, and that he was not at that time a legal voter. His vote must therefore be subtracted from the aforesaid majority of the contestee.

Almost precisely similar to the case of Peffer, is that of Martin Eisler, who left the State of Indiana for the State of Wisconsin in last April, with the intention of remaining there, but got sick of the country and came back to Indiana about the last of August or first of September, before the election. He was a single man, which is the only point of difference between this and the foregoing case. He voted the democratic ticket; his vote must be rejected for the same reason as that of Peffer.

The following authority shows the principle which governs such cases, and fully sustains the conclusion of your committee: "Every person of full age having a right to change his domicile, it follows that if he removes to another place with an intention to make it his permanent residence, (*animo manendi.*) it becomes instantaneously his place of domicile." Story, on the Conflict of Laws, sec. 46.

The next case is that of Nicholas Bourio, who was an alien born, and had not, at the time of the election, declared his intention to become a citizen of the United States. He voted the democratic ticket at South Bend; Miller's name was on the ticket. His vote was illegal by the express provisions of the constitution, and must be subtracted from contestee's majority. It stands upon the same footing as that of Edward Weeden, who voted in Fulton county. There are other cases in which attempts have been made by each party to impeach votes cast for his competitor; but your committee do not regard them as successful beyond all doubts in any other instance, as in the cases already considered. They propose, therefore, to postpone the consideration of such doubtful or unsuccessful attempts, until the well established facts are brought together, and their result ascertained.

To foot up the analysis of the evidence thus far, your committee find that the contestee received five fraudulent and void votes in Fulton county, viz: those of Auckermann, Weeden, the two Wallaces and Surgny; and in St. Joseph county, they find that the contestee received four fraudulent and void votes, viz: those of Weiss, Peffer, Eisler and Bourio; which added together, still leaves the contestee a majority of one vote.

2. But there is undoubted proof before your committee, that by mistake of the inspector and judges of election in Harris township in St. Joseph county, five votes cast for the contestant were not counted for him, and that the whole number of votes cast in said township for him was not less than thirty-eight, although the inspector and judges thereof, in their return show that he received only thirty-three votes therein. This mistake enters into and forms a part of the basis upon which the aforesaid certificate of election was made by the said sheriffs.

This point is of the utmost importance in the decision of this cause, and the evidence upon it is such as your committee deem entirely satisfactory and conclusive. That your committee do not give undue weight to this evidence, they beg leave to make the following quotation from the deposition of Robert Nixon, the inspector of the election in that township. He says, "he was inspector in Harris township, St. Joseph county, at the election held the 14th day of October, 1856; has possession of the poll-book, tally papers and tickets of that election, and has had possession of them ever since. By reference to tally papers, Hugh Miller has forty-seven votes, and Kline G. Shryock has thirty-three votes."

"Question 2.—You state you have in your possession the *original*

*tickets voted at said election.* Will you refer to them and state what number of votes were actually given to said Shryock and said Miller at said election."

"*Answer 2.*—On examination of the tickets, find *forty-seven* for Hugh Miller and *thirty-eight* for Kline G. Shryock."

"*Question 3.* State whether you are now sure that the above number of votes, were the real number given to each of said persons for said offices."

"*Answer 3.*—I believe I am certain from the ballots."

"*Question 4.*—State if you know how the mistake occurred in reporting to the clerk that Shryock had received but thirty-three votes, when he actually received thirty-eight at your polls."

"*Answer 4.*—It must have been a mistake in tallying. I don't know how it could be any other ways."

On cross examination by contestee Mr. Nixon says, "Esq Heaton, Mr. Shryock and Mr. Irvin, one of the judges, examined the tickets since the election." This is all the evidence upon this point; is it not conclusive?

The witness has had the tickets voted at his polls, ever since the election, has them before him when he testifies, in the presence of both parties, and speaking from the tally papers says, "that said contestant was reported to have received but thirty-three votes by mistake, when he actually did receive thirty-eight votes," and speaking from the original tickets at said election, and still in his possession, and having them before him when he testifies, he says, on examination of the tickets, "find forty-seven for Hugh Miller and thirty-eight for Kline G. Shryock." No evidence can be more direct, unequivocal and conclusive. It puts the mistake against the contestant beyond doubt, and beyond cavil.

But it was urged before your committee that because there was one vote in the ballot-box more than there were names on the poll-books, that there must have been a comparison of the tickets and poll-books at the time, and that such comparison was actually made by the board. But the evidence shows no such comparison. The truth seems to be that counsel for the contestee, by mistake, applied the evidence of the inspector and judge of election in reference to the mistake from the returns from Madison township, to the case under consideration in Harris township; Nixon the inspector, and Myers, one of the judges, are the only witnesses in relation to the Harris township polls, and neither of them say one word about the comparison of the ballots with the poll-books, further than to ascertain that there was one vote more in the ballot-box, than on the poll-books.

But it is not pretended that the tally for the respective candidates was aggregated, and the fact as ascertained whether their joint vote was equal or unequal to the whole number of tickets in the box, or names on the poll-books. It was one thing to ascertain whether there were less or more votes in the ballot-box than names on the poll-books, and quite another and a different thing to determine



whether there were more or less votes in the box for the contestant than thirty-three, or even if forty-seven and thirty-three were the whole number of votes cast for Senator at a given poll. The election board could very readily investigate and determine the first question, and correctly to, without so much as thinking of the other. Your committee are therefore clearly of the opinion that there was a mistake against the contestant in Harris township, St. Joseph county, of five votes, which should be added to the aggregate vote cast for him in said district. These five votes overcome contestee's majority and give the contestant a majority of four.

*Third.*—But there is proof that one vote for the contestant was thrown away, contrary to law and right, in Harris township aforesaid. The facts are as follows: After the judges and inspector had finished counting their votes, it was found that there was one in the ballot-box more than there were names on the poll-books. It was a Republican vote and the name of the contestant was on it for Senator; but the board to make the number of ballots to correspond with the number of names on the poll-books, threw it away, without stopping to enquire whether the ballots or the names on the poll-books best represented the number of votes in that township; or whether they did not by their act deprive the contestant of at least one equal chance for a vote with his adversary; or whether the last vote taken from the box was any more likely to be the fraudulent than the *first*. All these considerations were overlooked, and contestant's chance at least equal to that of his contestor, determined against him by the mere will of the judges of the election. Until the books were verified, both law and reason required that the vote for the contestant, valid—*prima facie*—should be counted in his favor. And even if it were ascertained beyond all cavil, that there was one illegal vote in the box, but it was not known which one of the eighty-six it was, the chance in favor of one candidate was equal to that of the other; and justice required that no vote should be thrown away, or that each party should lose one. Your committee are of opinion, therefore, that the vote so thrown away should have been counted in favor of the contestant, and that it be now added to his majority.

Your committee are aware that the propriety of throwing this vote away has been urged upon the ground that there were two of the same class voted together in the ballot box. But such tickets are only thrown away when the board find that they have been purposely so folded, and then not one but both of such tickets must be thrown away. But in this instance the two tickets that were together, were not found by the board to have been purposely folded together; nor were they rejected as such tickets should be. 1 R. S. 1852, chap. 31, sec. 27. On the contrary the inspector swears that his "impression at the time was, that it (one of these tickets) might have shoved in by taking fives." Myers, one of the judges swears that "they were both counted at the time, but were noticed that they were folded together; that they were placed in the bundle with

the others ; that a ticket with contestants name on it was thrown away after the counting of the votes, on account of that double ticket, and on account that we had one ticket more than we had names on the poll-book ; that if the names on the poll-books had been equal to the number of tickets, the board would not have thrown away the ticket."

From these facts it is clear that the board did not decide that the tickets were purposely folded together, from the evidence which the tickets themselves furnished of that fact, and which was alone competent in determining the question. They would have decided in accordance with the opinion of the inspector at the time, that they had been shoved together in taking out fives, if it had not turned out at the close that there was one more ballot in the box than names on the poll-books. The language of the statute is imperative, and after these tickets had been once counted by the board, they had no right to reject others in their stead, and upon other evidence that is competent upon such questions. Nor do your committee feel disposed to decide that said tickets were purposely folded together, and should be rejected, when the inspector at the time believed that his own manner of taking the tickets from the box, had pushed one of them into the fold of another. To do so, would be for them to reverse the decision of the board of judges and inspector, upon evidence which, to say the most of it, is no more in favor of the one than the other opinion. Thus, your committee without taking into consideration any of the questionable elements of the cause, find that the majority for said contestant for Senator, over his competitor is five votes,

Your committee would now return to a brief consideration of such other doubtful or contested votes as have been presented to them by the parties for their consideration. In doing so, however, they feel that the most thorough consideration of all such cases would not in fairness and law, change the conclusion already arrived at a single vote.

The case of the two Reeds, who voted in Fulton county for the contestant, is the first in importance, and shall therefore be the first disposed of. They were both born in Canada, but swear that their parents were citizens born of the United States, and after their birth and during their minority returned with them to the United States.

If these facts are completely proven, the legality of their votes cannot be questioned. For if there was no statute on the subject, the law of nature would give the minor children of parents the same country as their parents ; accordingly Vattel lays it down as a principle, that "society cannot exist and perpetuate itself otherwise than by the children of the citizens ;" and that such children naturally follow the condition of their fathers, and succeed to all their rights. B. 1, ch. 19, sec. 212. Again it is asked, whether the children born of citizens in a foreign country are citizens ? The

laws have decided this question in several countries, and the regulations must be followed.

By the laws of nature alone, children follow the condition of their fathers and enter into all their rights; the place of birth produces no change in this particular, and cannot of itself furnish any reason for taking from a child what nature has given him; I say of itself, for civil or political laws, may, for particular reasons, ordain otherwise." *Ib. supra. sec. 215.* But we are not left without civil and political laws in such cases, for by an act of Congress, entitled "an act to secure the rights of citizenship to children of citizens of the United States, born out of the limit thereof," passed February 10th, 1855, it was enacted, "that persons heretofore born or hereafter to be born out of the limits and jurisdiction of the United States, whose fathers were, or shall be at the time of their birth, citizens of the United States, shall be deemed and considered, and are hereby declared to be citizens of the United States; *Provided, however,* That the rights of citizenship shall not descend to persons whose fathers never resided in the United States." Dunlop's laws of the United States, chap. 71, p. 1451. So there is no doubt of the right of the two Reeds to vote at the last October election.

But an objection was raised to admissibility of their testimony, as to whether their parents were native born citizens of the United States, on the ground that it amounts to mere hearsay; this objection cannot be maintained.

Your committee are aware that some of the older cases may be against the competency of such evidence; but the more recent cases are all the other way. The evidence is clearly admissible. "It is settled that the law resorts to hearsay evidence in cases of pedigree, upon the ground of the interest of the declarants in the person, from which the descent is made out, and their consequent interest in knowing the connection of the family." 1 Greenleaf, sec. 103. "And in a recent case, this doctrine has been thought to warrant the admission of declarations, made by a deceased person as to where his family came from, where he came from, and of what place his father was designated." *Shields v. Boucher*, 1 Dr. Gex and Smale, 40, as cited in note to 1 Greenleaf's evidence, sec. 104.

In this case the evidence shows that the father of the witnesses has been dead twelve years, and they testify to what they heard him say under oath, as to his native country. The case falls within the general principle above cited. The evidence is admissible. These votes are therefore subject to no valid objection.

Your committee do not feel free to reject the vote of Charles Asa Mitchell. His mother swears that, to the best of her recollection and belief, he was born November the 25th, 1834, consequently he has been a legal voter since November 25th, 1855. Nor is there any other evidence in the case sufficient to overthrow this statement of the mother; for what she may have thought at other times, cannot have any other effect than to render the fact of the time of his birth doubtful. It does not prove or intend to prove that he was not twenty-one years old when he voted for the contestant. Hav-

ing voted, the presumption is he had a legal right to vote until the contrary is shown. That has not been shown. On the contrary, she who knew better than any other the facts in question, says that her son was born on the 25th of November, 1834. The vote is not shown to have been illegal, but is shown to have been legal and valid.

The next vote for contestant assailed, is that of Alvey Waits. He is a single man, and left New York in April last for the State of Indiana, with the intention of making the latter State his permanent home. He arrived in Indiana on the 8th of April, 1856, and has resided there ever since. He has not been out of the State since he came into it, but did not determine upon the precise spot in the State where he should settle, until about the 20th of April. There can be no doubt in the opinion of your committee, that he became a resident of Indiana more than six months before the election, and was, therefore, a competent voter at the last general October election.

The following authority is respectfully cited in support of the opinion of your committee:

“Seventhly: Every person of full age, having a right to change his domicil, it follows that if he removes to another place, with an intention to make it his permanent residence, (*animus manendi*), it becomes instantaneously his place of domicil.” Story on the Conflict of Laws, 346.

Allen Nixon was born in Canada, made his declaration of intentions to become a citizen of the United States about four years ago, but got no papers at the time; was told to call afterwards and it would be made out for him; did call, but was told that it was mislaid; says he took and subscribed an oath, declaring his intention to become a citizen of the United States, in the clerk's office of the Fulton circuit court. The clerk swears he has no recollection that Nixon ever declared his intentions before him; that it was customary in his office to keep a record of such declarations, and that there is no such record in the office. But it is shown that about the time sworn to by Nixon, the clerk had employed an inexperienced deputy, and Nixon swears that he took the oath before him, but that the clerk was in the office.

Now, admitting all parties to be equally honest, your committee are of opinion that there is no real conflict between the testimony of the clerk and Mr. Nixon. It would be much more reasonable to suppose, too, in the case of such conflict, that the clerk, whose daily business it was to swear persons, should have forgotten a particular case, than that the party himself, in whose life the fact itself constituted a most prominent and important event, should swear to a lie in regard to it—that it had transpired when such was not the fact.

But there is no necessity to put the case upon this ground; for the act was done before Hoover, the clerk's deputy, and we have not his testimony before us.

In this, too, the inference arising from the absence of the record of such declarations in the clerk's office is also accounted for. The deputy was not familiar with the business of the office, and may have omitted to make the accustomed entry.

But the law does not require any record of the declaration of intentions to become a citizen to be made or kept, and the absence of such unauthorized record can give rise to no legal presumption that the fact did not occur.

Your committee are therefore of opinion that the said Allen Nixon was, at the last general October election, a legal voter.

There are several other votes, on both sides, which the parties have insisted should be rejected, on the ground of the non-residency of the persons by whom they were cast. Such are those of Alley Puterbaugh, George Williams, David Lowry, Jos. R. Miller, and Joshua F. Brown, all of whom had been absent from the State of Indiana during part of the six months next preceding the general election in 1856, but all of whom swear positively that their absence was only designed to be temporary; that when they left the State, it was *animo revertendi*, with the intention of returning; and that during their absence they never changed that intention.

If, however, these votes were rejected, it must be upon the same principle, and, justly applied, it would leave the parties as to the result just as they stand without rejecting these votes; for those that would be rejected on the one side are equal in number to those of like character on the other.

Miller's vote is unquestionably valid.

The following authority fully sustains your committee in their determination to reject none of these votes: Story on the Conflict of Laws, §§ 46 and 47.

The votes of Fox, Burke, and Massey are waived by the contestant, and have not been considered by your committee.

Your committee therefore conclude, from a careful examination of the entire evidence in the cause, that the contestant was duly elected Senator for the district aforesaid, for the term of four years, "after the day next succeeding the last general October election," and is justly entitled to the seat now occupied by the said contestee.

Your committee would further report, that they deem it unnecessary for them to decide the question of the eligibility of the contestee, inasmuch as the result must be the same in this case, whether he was or was not eligible to the office of Senator at the date of said election.

In consideration of the premises, your committee have instructed me to report the following resolution and recommend its adoption, to-wit:

*Resolved*, That Hugh Miller, Esq., is not entitled to the seat which he now occupies on this floor, and that Kline G. Shryock, Esq., having been duly elected Senator, by a majority of the legal

voters of the district composed of the counties of Starke, Marshall, Fulton, and St. Joseph, is entitled to that seat.

Mr. Tarkington moved to lay the report on the table, and make it the special order for Wednesday next at 10 o'clock, A. M.

The ayes and noes being demanded by senators Bearss and Cravens,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Crane, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, McCleary, McClure, McLean, Richardson, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, Weir, Weston, Wilson, Woods and Yaryan—28.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Cronse, Ensey, Freeland, Green, Griggs, Hendry, Hill, March, Murray, Parker, Rice, Stevens, Suit and Thompson—21.

So the motion to postpone was agreed to.

Mr. March, chairman of the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred Senate bill No. 15, a bill fixing the compensation of executors and administrators, and to repeal section one hundred and forty-eight of chapter ten, in volume two, Revised Statutes, 1852, have had the same under consideration and have directed me to report the same back and recommend its passage, with the following amendments:

1st. Strike out "five" wherever it occurs in the first section, and insert "three."

2d. Insert section three, which is in the following words, to-wit:

Sec. 3. In all cases the court shall make such further allowances as shall be necessary for extraordinary expenses or services not required of an executor or administrator in the common course of his duty.

The report was concurred in, and the bill ordered to be engrossed and read a third time on to-morrow.

Mr. Murray, chairman of the committee on the judiciary, made the following majority report:

MR. PRESIDENT:

The committee to whom was referred Senate bill No. 2. a bill to amend the 18th and 19th sections of an act entitled "An act prescribing the powers and duties of justices of the peace in State prosecutions, have had the same under consideration, and instructed me to report that it is inexpedient to legislate on the subject, and recommend the indefinite postponement of the same.

Mr. Yaryan, from the committee on the judiciary, made the following minority report:

MR. PRESIDENT:

The undersigned, one of the members of the judiciary committee to whom was referred Senate bill No. 2. entitled "An act to amend the 18th and 19th sections of an act entitled 'an act prescribing the powers and duties of justices of the peace in State prosecutions,'" approved May 29, 1852, respectfully submits the following minority report:

The majority report sets forth no reason against the passage of the bill. It is, therefore, due the undersigned, that the reasons given in committee should be stated, which is, that it would be unconstitutional to imprison in State prosecutions for costs. By the R. S. of 1852, vol. 1, page 378, and section 128 and 130, it is enacted that "when the defendant is adjudged to pay a fine and costs, the court shall order him to be committed to the jail of the county until the same are paid or replevied;" and "any person imprisoned for failure to pay or replevy any fine or cost, may be ordered to be discharged by the court after being imprisoned one day for every fifty cents of the fine and costs, if it appear by satisfactory evidence that such person is unable to pay or replevy the same." Such are the proceedings in the courts of common pleas. Under the act entitled "an act prescribing the powers and duties of justices of the peace in State prosecutions," same statute, page 500, sections 18 and 19, it is enacted that "whenever judgment shall be rendered for a fine, it shall be a part of such judgment that the defendant stand committed until such fine be paid or replevied."

\* \* \* \* \* "If such defendant do not immediately pay or replevy such fine, the justice shall commit him to jail, there to remain one day for each dollar of such fine so adjudged against him."

Here is an invidious distinction without reason both as to cost and punishment for offences of the same character. And the undersigned submits to the consideration of the Senate if it is not a violation of art. 1, sec. 23 of the constitution of Indiana, which says "the General Assembly shall not grant to any citizen or class of citizens, privileges or immunities, which, upon the same terms, shall not equally belong to all."

For the sake of illustration, suppose two persons guilty of an

affray, one may be tried by a justice of the peace and fined five dollars, with a further sum of five dollars in costs. Of all these he may be discharged after having remained in jail five days. The other may be tried in the court of common pleas, where litigation is more expensive. But suppose the fine and cost be the same, he may be discharged in like manner; but to be so discharged he must have remained in jail thirteen days. The same may be said of malicious trespass, the gaming laws, the violation of election laws, and so on, almost without number.

It was urged in committee, that costs in criminal prosecutions were in the nature of debts due the officers, and that the constitution says "there shall be no imprisonment for debt, except in case of fraud." Waiving but not admitting the point, as to whether the violation of a criminal statute is not a fraud within the meaning of the constitution, the undersigned submits whether the costs do not constitute a part of the penalty, partaking of all its qualities. Suppose a criminal statute would direct that one-half of the penalty should go the informant, as is the case in numerous cases in many States, would that half become a private debt, and take it out of the general principles governing its enforcement. Again, suppose a judgment is rendered on a note waiving valuation laws, would the sheriff, on execution, collect the judgment by one rule and the costs by another? And if the costs are not a part of the judgment partaking of the same nature, could he do otherwise? Still further; suppose a judgment rendered against an officer for money received in a fiduciary capacity and not accounted for, upon which there would be no stay of execution, could the defendant pay the judgment and then demand a stay of execution for the cost? He certainly could not. And why not, if the costs are a separate and distinct debt due the officers?

The undersigned, believing as he does, that it is not only constitutional, but right, that offenders convicted of violation of law, and fraudulently refusing to pay costs of prosecution, should be imprisoned, and therefore recommends the passage of said bill, with additional proviso herewith reported, to section 19.

JOHN YARYAN.

*And provided, further,* That any person imprisoned for failure to pay or replevy any fine or cost, may be ordered to be discharged after being imprisoned one day for every dollar of the fine and cost, if it appear by satisfactory proof that such person is unable to pay or replevy the same, which proof may be tried by the justice alone, or by six competent jurors, as the defendant may direct; but execution may afterwards issue against the property of the defendant, as any other judgments in State cases.

On motion by Mr. Crane,  
The majority report of the committee on the judiciary,  
Was laid on the table.



The question being on the adoption of the amendment contained in the minority report of the committee,  
It was agreed to.

By unanimous consent,  
The rules were suspended, and Mr. Suit offered the following resolution :

*Resolved*, That when the Senate adjourns, it stand adjourned until Monday next, at 1 o'clock, P. M.

Mr. Slater of Dearborn moved to amend the resolution by striking out "1 o'clock," and inserting "2 o'clock.

Which was not agreed to.

The question recurred on the adoption of the resolution,  
Which was agreed to.

On motion by Mr. March,

*Resolved*, That the committee on finance be authorized to employ a clerk.

On motion,

The Senate adjourned.

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MONDAY, 1 o'clock, P. M. }  
February 2, 1857. }

The Senate met.

The journal of Friday was read.

The President laid before the Senate the following communication :

INSTITUTION FOR THE DEAF AND DUMB, }  
Indianapolis, Ind., Jan. 31st, 1857. }

HON. A. A. HAMMOND,

*President of the Senate :*

SIR:—Please announce to the members of the Senate that, in obedience to a resolution passed by the House of Representatives January the 28th inst., inviting me to give before the members of the General Assembly an exhibition of the proficiency of the pupils under my care, I shall be happy to perform that duty ; and that the exhibition will take place at the Masonic Hall, on Friday evening, February 13th, 1857.

Very respectfully,

T. MAC INTIRE,

*Superintendent.*

Which was laid on the table.

The President laid before the Senate the report of the Attorney General in relation to the claim of Morehead, Hall & Co., against the State of Indiana.

Pending the reading of which by the Secretary, the President left the chair.

On motion by Mr. Griggs,

Senator Burke was called to the chair, as President *pro tem*.

On motion by Mr. Cravens,

The rules were suspended, and

The majority report of committee on the judiciary in reference to the right by which the Hon. Leroy Woods, Senator from the county of Clarke, holds his seat as such Senator,

Was taken from the table.

The Secretary read the following resolution contained in said report, viz :

“ *Resolved*, That Leroy Woods, by accepting the office of Moral Instructor for the State prison, discharging its duties and receiving the emolument thereof, since his election as such Senator from the county of Clarke, has vacated his office of Senator, and he is not entitled to his seat in the Senate.”

On motion by Mr. Cravens,

The report was concurred in, and the resolution adopted.

On motion by Mr. Griggs,

The Senate adjourned.

TUESDAY MORNING, 9 o'clock, }  
 February 3, 1857. }

The Senate met.

The journal of the preceding day was read.

The President directed the Secretary to strike from the journal of yesterday all that part which appears subsequent to the reading of the report of the Attorney General.

Which was objected to.

Whereupon,

Mr. Hefren offered the following resolution :

*Resolved*, That the Secretary of the Senate be directed to expunge in yesterday's proceedings, all that purports to have been done after the reading of the communication from the Attorney General, as appears upon the journal.

Mr. Sage moved a call of the Senate.

Which was agreed to.

The Secretary proceeded with the call.

The President directed the Secretary to call the Senator from the county of Clarke.

Mr. Suit appealed from the decision of the President, deciding on a call of the Senate being ordered, that the Secretary of the Senate should call the name of Leroy Woods as the Senator from Clarke county, on a call of the names of Senators, for the reason that the seat of the said Leroy Woods has been declared vacant by a vote of the Senate, as shown by the journal.

On motion by Mr. Burke,

Leave of absence was granted to Mr. Ensey.

The question being, shall the decision of the President stand as the judgement of the Senate.

The ayes and noes being demanded by Senators March and Wallace.

The Secretary proceeded with the call,

Pending which,

Messrs. Parker and Sage were excused from voting.

Mr. Slater of Dearborn moved that the Senate adjourn.

Which motion being entertained by the President,

Mr. Suit appealed from the decision of the President as follows :

I appeal from the decision of the chair, deciding that a motion to adjourn is in order, after a vote has been taken and the result *un-*announced by the chair.

Mr. Hefren moved to lay the appeal on the table.

The ayes and noes being demanded by Senators Bearss and March,

*Those who voted in the affirmative were,*

Messrs. Brown, Crane, Drew, Fisk, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, Wilson and Woods—21.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Rice, Sage, Stevens, Suit, Thompson, Weston and Yaryan—23.

Senators Parker and Weir were excuse from voting.

So the motion to lay the appeal on the table was not agreed to.

The question recurred, shall the decision of the President stand as the decision of the Senate.

The ayes and noes being demanded by Senators Bearss and Suit,

*Those who voted in the affirmative were,*

Messrs. Brown, Crane, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, Wilson and Woods—22.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Rice, Sage, Stevens, Suit, Thompson, Weston, and Yaryan—23.

So the decision of the President was not sustained.

Mr. Tarkington moved that the Senate now adjourn.

The President decided the motion out of order.

Mr. Tarkington appealed from the decision of the President, on the ground that under the 33d rules of the Senate, a motion to adjourn is always in order.

Mr. Yaryan moved to lay the appeal on the table.

The ayes and noes being demanded by senators Wallace and Hefren,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Rice, Sage, Stevens, Suit, Thompson, Weston and Yaryan—23.

*Those who voted in the negative were,*

Messrs. Brown, Crane, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, Wilson and Woods—21.

So the appeal was laid on the table.

The question recurred on sustaining the president, in ordering the name of the senator from Clark to be called by the Secretary; from which decision an appeal was taken.

The question then being, shall the decision of the chair stand as the decision of the Senate?

The calling of the ayes and noes, under a previous demand made by senators Bearss and March, being completed,

*Those who voted in the affirmative were,*

Messrs. Crane, Drew, Fisk, Gooding, Hargrove, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, Wilson and Woods—21.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hefren, Hendry,

Hill, Kinley, March, Murray, Rice, Stevens, Suit, Thompson, Weir, Weston and Yaryan—26.

So the decision of the President was not sustained.

Mr. Hefren moved to reconsider the vote just taken on sustaining the decision of the President.

Mr. Murray moved to lay the motion to reconsider on the table.

The ayes and noes being demanded by senators Cravens and Murray,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Cravens, Crouse, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Rice, Sage, Slater of Dearborn, Stevens, Suit, Thompson, Weston and Yaryan—25.

*Those who voted in the negative were,*

Messrs. Crane, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, Richardson, Rugg, Slater of Johnson, Tarkington, Wallace and Wilson—19.

So the motion to reconsider was laid on the table.

Pending the call of the Senate,

On motion by Mr. Suit,

The Senate adjourned.

2 O'CLOCK, P. M.

The Senate met.

The Secretary proceeded with the call of the Senate.

The President directed the Secretary to call Leroy Woods as senator from the county of Clark.

Senators Murray and Suit appealed from the decision of the President in ordering the Secretary to call Mr. Woods, as the senator from Clark county.

Mr. Tarkington moved to lay the appeal on the table.

The ayes and noes being demanded by senators Murray and Wallace,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Crane, Drew, Fisk, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace and Wilson—22.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston and Yaryan—25.

So the appeal was not laid on the table.

The question being, shall the decision of the President stand as the judgment of the Senate?

The ayes and noes being demanded by two senators,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Crane, Drew, Fisk, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace and Wilson—22.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston and Yaryan—25.

So the decision of the President was not sustained.

Mr. Murray moved to suspend the order of business, and grant leave to Mr. Weir to introduce a resolution.

Mr. Tarkington moved to lay the motion on the table.

The ayes and noes being demanded by senators Murray and Wallace,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Drew, Fisk, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnston, Tarkington, Wallace, and Wilson—21.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston, and Yaryan—26.

So the motion to suspend the order of business was not laid on the table.

The question recurred on the suspension of the order of business.

The ayes and noes being demanded by senators Johnston and Hefren,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston and Yaryan—26.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Fisk, Hargrove, Hefren, Hostetle.; Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnston, Tarkington, Wallace, and Wilson—21.

So the order of business was suspended.

Mr. Slater of Dearborn moved that the Senate now adjourn.

The ayes and noes being demanded by five senators.

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Tarkington, Wallace and Wilson—21.



*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston and Yaryan—26.

So the motion to adjourn did not prevail.

Mr. Weir offered the following resolution:

*Resolved*, That when the Senate adjourns, it will adjourn to meet on Thursday next, at 9 o'clock, A. M.

Mr. Murray moved the previous question.

Which was seconded by the Senate.

Mr. Tarkington moved that the Senate now adjourn.

The ayes and noes being demanded by five senators,

*Those who voted in the affirmative were,*

Messrs. Brown, Drew, Fisk, Gooding, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Johnson, Stevens, Tarkington, Wallace and Wilson—20.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Suit, Thompson, Weir, Weston and Yaryan—25.

So the motion to adjourn did not prevail.

On motion by Mr. Brown,

A call of the Senate was directed.

The Secretary proceeded with the call; pending which,

Mr. Wallace moved that the Senate now adjourn.

The ayes and noes being demanded by five senators,

*Those who voted in the affirmative were,*

Messrs. Brown, Drew, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace and Wilson—18.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Freeland, Gooding, Green, Griggs, Hendry, Hill, Kinley, March, Miller, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston and Yaryan—28.

So the motion to adjourn did not prevail.

Mr. Freeland moved to suspend the further call of the Senate.

The ayes and noes being demanded by senators Wallace and Weir,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston and Yaryan—26.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Gooding, Hefren, Johnston, Mathes, McLean, Slater of Johnson, and Wallace—10.

So the call of the Senate was suspended.

Mr. Hefren moved that the Senate now adjourn.

The ayes and noes being demanded by five senators,

*Those who voted in the affirmative were,*

Messrs. Alexander, Gooding, Hefren and Wallace—4.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston and Yaryan—26.

So the motion to adjourn did not prevail.

On motion by Mr. Hefren,

A call of the Senate was directed.

The Secretary proceeded with the call,  
Pending which,

Mr. Suit moved that the further call of the Senate be dispensed with,

The ayes and noes being demanded by senators Bearss and Hefren,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston and Yaryan—25.

*Those who voted in the negative were,*

Messrs. Brown, Drew, Fisk, Gooding, Hefren, McLean and Wallace—7.

So the further call of the Senate was dispensed with.

Mr. Brown moved that the Senate now adjourn.

The ayes and noes being demanded by five senators,

The Secretary proceeded with the call; whereupon,

Mr. Brown asked to be excused from voting.

Objection being made,

The ayes and noes were demanded by senators Hefren and Drew,

*Those who voted in the affirmative were,*

Messrs. Crane, Drew, Fisk, Gooding, Hefren, McClure, Tarkington and Wallace—8.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Freeland, Green, Griggs, Hendry, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weston, and Yaryan—23.

So the senator was not excused from voting.

The Secretary resumed the call of the ayes and noes; whereupon,

Mr. Gooding asked to be excused from voting.

Objection being made.

The ayes and noes were demanded by senators Hefren and Brown,

*Those who voted in the affirmative were,*

Messrs. Brown, Chapman, Crane, Cravens, Drew, Green, Hefren, March, McClure, Tarkington, Wallace and Yaryan—12.

*Those who voted in the negative were,*

Messrs. Blair, Bobbs, Burke, Cooper, Crouse, Freeland, Griggs, Hendry, Hill, Kinley, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson and Weston—18.

So the senator was not excused from voting.

The Secretary again proceeded with the call of the ayes and noes; whereupon,

Mr. Hefren asked to be excused from voting.

Objection being made.

The ayes and noes being demanded by senators Brown and Gooding,

*Those who voted in the affirmative were,*

Messrs. Bearss, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Freeland, Hendry, Hill, Kinley, Tarkington, Wallace and Yaryan—17.

*Those who voted in the negative were,*

Messrs. Blair, Gooding, Green, Griggs, March, Murray, McClure, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir and Weston—15.

So the senator was excused from voting.

The Secretary again proceeded with the call of the ayes and noes; whereupon,

Mr. Wallace asked to be excused from voting.

Objection being made.

The ayes and noes were demanded by Senators Gooding and Hefren,

*Those who voted in the affirmative were,*

Messrs. Bearss, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Freeland, Green, Griggs, Hefren, Hill, Kinley, Rice, Tarkington and Wallace—17.

*Those who voted in the negative were,*

Messrs. Blair, Brown, Drew, Gooding, Hendry, March, Mur-

ray, McClure, Parker, Sage, Slater of Dearborn, Stevens, Suit, Thompson, Weir, Weston and Yaryan—17.

So the senator was not excused from voting, by the casting vote of the President.

The Secretary completed the call of the ayes and noes,

*Those who voted in the affirmative were,*

Messrs. Brown, Gooding, McClure, Slater of Dearborn, Tarkington and Wallace—6.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Freeland, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston and Yaryan—26.

So the motion to adjourn did not prevail.

On motion by Mr. Hefren,  
A call of the Senate was directed.

The Secretary proceeded with the call;  
Pending which,

Mr. Freeland moved that the further call of the Senate be suspended.

The ayes and noes were demanded by senators Drew and Hefren.

The Secretary proceeded with the call,  
Whereupon,  
Mr. Drew asked to be excused from voting.  
Objection being made,

The ayes and noes were demanded by Senators Hefren and Wallace,

*Those who voted in the affirmative were,*

Messrs. Brown, Crane, Cravens, Drew, Green, Griggs, Hefren, Hendry, Hill, March, McLean, Sage, Wallace, Weir, Weston and Yaryan—16.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crouse, Freeland, Gooding, Kinley, Murray, Parker, Rice, Slater of Dearborn, Suit, Tarkington and Thompson—17.

So the Senator was not excused from voting.

The Secretary completed the call of the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston and Yaryan—27.

*Those who voted in the negative were,*

Messrs. Brown, Gooding, Hefren, McClure and Wallace—5.

So the further call of the Senate was suspended.

Mr. Hefren moved that the Senate now adjourn, which motion being entertained by the President,

Senators Cravens and March appealed from the decision as follows, viz:

The Chair having decided that a motion to adjourn, pending the question of adjournment to a particular day, upon which the previous question had been demanded, and seconded to be in order, from that decision we appeal to the Senate.

The question being, shall the decision of the President stand as the judgment of the Senate?

The ayes and noes being demanded by senators Wallace and Hefren,

*Those who voted in the affirmative were,*

Messrs. Brown, Gooding, Hefren, McClure, Tarkington and Weir—6.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weston and Yaryan—25.

No quorum being present, the appeal was not sustained.

On motion by Mr. Hefren,  
A call of the Senate was directed.

The Secretary proceeded with the call :

Pending which,

Mr. Freeland moved that the further call of the Senate be suspended.

The ayes and noes being demanded by senators Hefren and Gooding,

The Secretary proceeded with the call ;

Whereupon,

Mr. Gooding asked to be excused from voting on the question, and objections being made,

The ayes and noes were demanded by senators Wallace and Hefren.

*Those who voted in the affirmative were,*

Messrs. Crane, Hefren, Miller, McClure, Tarkington, Wallace and Weston—7.

*Those who voted in the negative were,*

Messrs. Blair, Bobbs, Burke, Cooper, Cravens, Crouse, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Suit, Thompson, Weir and Yaryan—21.

So the senator was not excused.

The Secretary resumed the call of the ayes and noes,

Whereupon,

Mr. Wallace asked to be excused from voting on the question.

Objections being made,

The ayes and noes being demanded by senators Hefren and Brown,

*Those who voted in the affirmative were,*

Messrs. Chapman, Crane, Hefren, McClure and Wallace—5.

*Those who voted in the negative were,*

Messrs. Blair, Bobbs, Burke, Cooper, Cravens, Crouse, Freeland, Green, Hendry, Hill, Kinley, March, Miller, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir and Yaryan—22.

So the senator was not excused.

The Secretary completed the call of the ayes and noes ;

*Those who voted in the affirmative were,*

Messrs. Blair, Bobbs, Burke, Cooper, Crane, Crouse, Green, Hendry, Kinley, March, Sage, Wallace and Weir—13.

*Those who voted in the negative were,*

Messrs. Cravens, Freeland, Gooding, Griggs, Hefren, Hill, Murray, McClure, Parker, Rice, Stevens, Suit, Thompson and Yaryan—14.

So the call of the Senate was not suspended.

Mr. Weir moved to suspend the further call of the Senate.

The ayes and noes being demanded by senators Wallace and Hefren,

*Those who voted in the affirmative were,*

Messrs. Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Freeland, Hendry, Hill, Kinley, Murray, Parker, Rice, Sage, Stevens and Thompson—16.

*Those who voted in the negative were,*

Messrs. Brown, Hefren, March, Mathes, Suit, Wallace, Weir and Yaryan—8.

So the call was suspended.

Mr. Hefren moved that the Senate now adjourn.

The ayes and noes being demanded by five senators,

*Those who voted in the affirmative were,*

Messrs. Brown, Hefren, Rugg and Wallace—4.

*Those who voted in the negative were,*

Messrs. Blair, Bobbs, Burke, Crane, Cravens, Crouse, Freeland, Hendry, Hill, Kinley, Miller, Murray, Parker, Richardson, Stevens, Suit, Thompson and Yaryan—19.

So the motion to adjourn did not prevail.

On motion,

A call of the Senate was ordered.



✓ The Secretary proceeded with the call.  
 Pending which,  
 On motion by Mr. Tarkington,  
 The Senate adjourned.

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WEDNESDAY MORNING, 9 O'CLOCK, }  
 February 4, 1857. }

The Senate met.

The journal of the preceding day was read.

Mr. Hefren moved that the Secretary be directed to insert the name of Mr. Woods in the journal of yesterday, where it should occur in the votes by ayes and noes.

Which motion being entertained by the President.

Senators Cravens and Bearss appealed from the decision of the chair as follows, viz:

“Upon the motion made by the senator from Washington to correct the journal, objection was made that said motion was out of order, the President decided that the said motion was in order, from which decision we respectfully appeal to the Senate.”

Pending the discussion of which, the President left the chair.

On motion by Mr. Suit,

Senator Burke was called to the chair, as President *pro tem*.

The following protest was presented by Mr. Wallace:

“The undersigned protests against any action by a portion of the senators, not a quorum, the President being absent in the joint convention, as not being a Senate.

LEW. WALLACE.”

On motion by Mr. Wallace,

A call of the Senate was directed.

Before proceeding to which,

On motion by Mr. Suit,

The Senate adjourned at five minutes after 10 o'clock, A. M.

2 O'CLOCK, P. M.

The Senate met.

The pending question at adjournment being the consideration of the appeal of senators Cravens and Bearss.

By the unanimous consent of the Senate,  
Mr. Hefren withdrew the motion to amend ; and  
Messrs. Cravens and Bearss withdrew the appeal.

The question being on the resolution offered by the senator from Washington, directing the Secretary to strike out a portion of the journal of the 2d inst., before the Senate.

On motion by Mr. Hefren,  
The resolution was laid on the table.

Mr. Griggs moved that the Senate now adjourn.

The ayes and noes being demanded by five senators,

*Those who voted in the affirmative were,*

Messrs. Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Griggs, Hefren, McLean, Richardson, Rice, Rugg, Slater of Dearborn, Suit and Tarkington—17.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Fisk, Gooding, Green, Hargrove, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Murray, McCleary, McClure, Sage, Slater of Johnson, Stevens, Thompson, Wallace, Weir, Weston, Wilson and Yaryan—25.

So the motion to adjourn did not prevail.

The question on the resolution offered yesterday by the

senator from Laporte, to adjourn the Senate to Thursday morning at 9 o'clock, being before the Senate.

On motion by Mr. Suit,  
The resolution was laid on the table.

#### PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Burke, presented a petition from sundry citizens and mechanics from the county of Wayne, praying an amendment to the law regulating mechanics liens.

Which,

On motion by Mr. Burke,  
Was referred to a select committee of three.

The President appointed senators Burke, Bobbs and Stevens said select committee.

Mr. Kinley introduced a memorial from the religious society of anti-slavery friends, praying a repeal of the law prohibiting negroes from being witnesses in courts of justice, in cases wherein white persons are interested; also a repeal of the law prohibiting negroes from participating in the benefits of the common school fund.

Mr. Kinley moved to refer the memorial to the committee on the judiciary.

Mr. Wallace moved to lay the motion on the table.

The ayes and noes being demanded by senators Hendry and March,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Drew, Fisk, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Tarkington and Wallace—  
17.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Freeland, Gooding, Green, Griggs, Hendry, Hill, Kinley, March, Miller, Murray, Parker, Rice, Sage, Slater of Johnson, Stevens, Suit, Thompson, Weir, Weston, Wilson and Yaryan—  
30.

So the motion to lay on the table did not prevail.

The question recurred on the motion to refer the memorial to the committee on the judiciary.

The ayes and noes being demanded by senators Wallace and Drew,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Freeland, Gooding, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston and Yaryan—28.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Fisk, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington and Wallace—19.

So the memorial was referred.

Mr. Tarkington introduced the following minority report from the committee on elections:

MR. PRESIDENT :

The undersigned members of the committee on elections, to whom was referred the papers and proofs in the case of the contested election from the senatorial district composed of the counties of Marshal, Starke, Fulton and St. Joseph, in which Kline G. Shryock, as contestant, claims the seat in the Senate now occupied by Hugh Miller, the contestee, differing from the majority of the committee in their view of the force and effect of said proofs, and the conclusion to which they arrive therefrom, beg leave to submit a minority report.

They agree with the majority in finding that the certificate of the sheriffs of the several counties composing said district shows that said Miller received a majority of seven votes over said contestant. They also agree with the majority in finding that this majority should be increased by reason of the two illegal votes cast for said contestant; one by Aaron Lee, and one by John Roof, both being minors at the time of said election; and also by one vote cast for said Miller in Madison township, St. Joseph county, and which, by mistake, was not counted in making up the returns of said election for said township.

But the minority think said majority should be further increased by reason of the vote of Allen Nixon, who, it is conceded, voted for the contestant at Rochester, Fulton county, and who, they believe, was not entitled to vote at said election. It is also conceded that he was an alien by birth, having been born in Upper Canada. It is attempted to be shown that he had declared his intention to

become a citizen before the October election, 1852. The minority call particular attention to his testimony upon the subject. His deposition was first taken on the 25th of November ultimo, and retaken on the 15th of January. On the first examination, he says not only that he never had any paper declaring his intention, but that he never saw it. How could he subscribe the oath, or know its contents, without seeing it? In that examination he also distinctly says, "that he did not call for them" (his papers,) at the clerk's office. In the second examination he says "he did afterwards call for it, and the clerk said it had been made out and mislaid." In the first he says he took and subscribed the oath declaring his intentions, before the clerk of the Fulton circuit court; in the second, he says positively, without reserve or qualification, he made his declaration of intentions previous to the general election, 1852, before Anthony F. Smith, clerk of the circuit court of Fulton county.

Said Smith, who was clerk from the spring of 1850, to the fall of 1854, was then called, and testifies most positively, that "he did not declare his intentions before him." He further says, his practice was to record such declarations. Joseph J. Davis, the present clerk, says he has examined the order-book where such declarations are usually recorded, attentively, and finds no record of a declaration by Nixon. In neither the first nor second, did he say one word about a deputy, but it came out in the testimony of Smith, that in the fall of 1852 he had a young man in the office by the name of Hoover. Nixon was then again, and for the third time, recalled and re-examined, and on this examination, he, for the first time, mentions Hoover, and says he thinks he was sworn by him, and that Mr. Smith was present. But Smith says Hoover was duly appointed and qualified as his deputy, October 22, 1852, which was after the time when Nixon alleges he declared his intentions. Until such appointment, Hoover had not legal authority to administer the oath. The minority think, therefore, that this testimony, taken together, not only does not satisfactorily show that he had declared his intentions before said election for Senator, but that it does satisfactorily show, that he had not, and that his vote was illegal and fraudulent.

Charles Asa Mitchel voted for contestant. He says, from the best information he can get, he became twenty one years of age the 25th of November last, and hence was a minor when he voted. But it is sought to overcome his testimony by that of his mother, Mrs. Jane Large. The testimony of this woman is worthy of careful examination, as there is something upon the very face of it which excites suspicion. Both the questions and answers in her examination-in-chief, seem to have been of the most studied character, and show simply that there was a record of his age; that it was made under her direction, by himself; that she had the record then in her hand, which record fixes his birth on the 25th of November, 1834, which would make him twenty-two last November, instead

of twenty-one, as he himself swears. An examination of this deposition must, it seems to the minority, satisfy the most casual observer that there is, both in the questions and answers, a careful avoidance of any expression of the recollection or belief of the witness herself, as to the young man's age; and this is the more apparent from the fact that it is shown on her cross-examination, that this record had only been made three years before, and that she did not think she examined it at the time it was made, and that she had told him this fall (that is, the fall just past,) that his age was twenty-one the 25th of November last, (1856,) and that it had always been her impression that he was twenty-one years old the 25th of November, 1856, and that she told her sister, Mrs. Kitts, "this fall," and at other times, that she thought that was his age; and that she also, a few weeks before the October election, told Dr. Robbins that she thought her said son would not be twenty-one years of age at that election. And when it is further shown by the deposition of her sister, Mrs. Kitts, that when asked by said Kitts "what she would do if she was brought up to testify upon the subject," she said she would bring the register of her children's ages; and when further asked "if she thought the record was correct," she told her she thought not; and further, "that she could not be made to swear to anything that would injure her son." The minority therefore think her testimony cannot be relied upon to overcome the testimony of the voter, but that it rather corroborates and sustains it, and that his vote, therefore, was fraudulent and void.

The minority think the majority of Miller should be further increased by reason of the vote of Alvy Waits, who voted for contestant, and who, they think, was not a legal voter. Said Waits came to this State from the State of New York; he started to come to this State, but to no particular place. He reached the State on the 8th of April last—was entirely unsettled until the 20th of said month, when he came to, and located in said Fulton county? "The original domicil or residence of a person is not gone until a new one has been actually acquired, in fact and in intention." Story on Conflict of Laws, page 47. Now, can it be contended that said Wait had actually acquired a residence or domicil, in fact, until he located and fixed his home in Fulton county. Was he not clearly merely *in transitu*, a mere wanderer? And if, without any such location as he made in Fulton county, he had returned to his home in the State of New York, would he have lost his residence there? The minority think not; and as the law above cited, is clear that a man can have but one residence or domicil at the same time, it necessarily follows, that until he had done such acts as legally destroyed his domicil in New York, he could not acquire one here.

The minority think the majority of said Miller should be increased by reason of the vote of David Lowry, who voted for the contestant, and, as they believe, illegally. Said Lowry was formerly a resident of the county of St. Joseph, but in April last, had fled with his family and household goods, to the State of Michigan, to

escape a prosecution for trespass. He himself, came back to said county in July last, leaving his family in Michigan; and he says, to use his own exact language, "I remained in this county all the time since July, except Saturdays and Sundays, WHEN I WENT HOME TO MICHIGAN." His family remained in Michigan until two weeks before the election; he planted and cultivated a garden there. The only question in this case is, did the voter by his removal, change his residence? The minority of your committee think he did; "the place where a married man's family resides is generally deemed to be his domicile;" see Story's Conflict of Laws, page 46. If a married man has his family fixed in one place, and he does his business in another, the former, (the place of his family,) is considered the place of his domicile. Story's Conflict of Laws, page 46. It is true, he says, that it was his intention "to come back after a while," and hence it is insisted that he did not lose his residence in said county; but it is not every intention to return, that enables the person removing, to retain his domicile in the place removed from. The true doctrine seems to be this: that where a person has a domicile in a place, and removes from that place to another, even with his family, for the accomplishment of some definite and particular purpose, such as the building a bridge or a house, with the intention of returning when that specific and particular purpose is accomplished, such removal does not make a change of domicile; but when the removal is not for the accomplishment of a particular purpose, yet although there may be an intention of returning at some future but indefinite time, he does lose his residence. See Story's Conflict of Laws, pages 46 and 59.

Applying this principle, the minority of your committee think that the intention of said Lowry to return to Indiana, if any he had, was of that uncertain and indefinite character which could not retain for him a residence in this State; but that he became a resident of Michigan, and that if he had died in that State during his sojournment, his personal estate, if any he had, must have been settled and distributed according to the laws thereof; and hence he had not resided in this State for the six months next preceding said election.

The vote of Joshua F. Brown, which was also given for the contestant the majority of your committee cannot consider to be legal. Said Brown was in the State of California over three years, and only returned to this State, where he formerly resided, on the second or third of July last. To be sure, he says he considered his home to be in Warren township, St. Joseph county, and that he did not intend to make California his permanent residence; but it is evident from his deposition, that what he meant when he says he did not intend to make that State his *permanent* residence, was, that he did not expect to live there always; but that at some future, but altogether uncertain and indefinite time, he intended to return to this State. This was not sufficient according to the principle laid down in Lowry's case, to prevent him from acquiring a residence in Cali-

fornia. That he so understood it is evident from the fact that he exercised the rights of citizenship in that State, by voting two or three times at elections. In this respect his case differs from that of Williams and Puterbaugh, to which the majority seem to suppose it analagous.

The minority think that the majority of said Miller should be increased by reason of one illegal and fraudulent vote counted to said contestor in Harris township, St. Joseph county, which should not have been so counted. This is a peculiar case, and to it they call especial attention, the more so because it has a material bearing upon five other votes claimed by the contestor at this poll; and because, with all due difference, the minority of your committee think the majority entirely misconceived the facts. The testimony of two witnesses, viz: Robert Nixon, the inspector, and Jacob Myers, one of the judges of the election at that poll, is all that bears upon it. The testimony shows the following facts: Whilst counting out the ballots, two were found folded together so adroitly as to make it somewhat difficult to determine, from the mere appearance of the tickets, whether it had been purposely and fraudulently done, or whether they had become so by accident. A *fac simile* is found accompanying the deposition of said Nixon. This one is folded wide, the other more narrowly, and the latter laid within the fold of the other. They both contained the name of the contestor, Mr. Shryock. Nixon says, as quoted by the majority of the committee, "my impression, at the time was, that it might have been shoved in by taking fives" in counting out. He also says, in the same answer, and which the majority seem to have overlooked, "he jndged they were folded purposely, but he might have been mistaken." Myers says, "there was one double ticket found purposefully folded together.

Again, on cross-examination by contestant, the following question was put: "Was it decided by the board that these two tickets thus found, were purposely folded together, or was there not a doubt that they had become mixed by overhauling the tickets, to assort them for counting?" To which he answers as follows, viz: "No sir, there was no doubt, there was no such question raised by the board. The most of the board wanted them both thrown away," &c., but for some reason, probably to avoid every appearance of wrong, they did not then throw them away, but counted and laid them by with the other ballots, or until the ballots were all counted out, when they proceeded to verify, whether it was or was not a double ticket, by a careful comparison of the number of ballots counted and tallied with the number of names on the poll-book, which comparison showed one too many, and therefore showed beyond cavil, that it had been a double ballot; and they then threw away, not both as the law requires, Revised Statutes, p. 264, sec. 27, but one only. They cannot say positively that they threw away one of those identical votes, but they do say positively that it was one of the same kind. They did not, as the majority seem



to suppose, pass final judgment on it, when they passed it; but they evidently reserved that judgment until the comparison aforesaid could be made, and then they adjudged it a double vote. The minority cannot conceive how the majority could come to the conclusion that the board threw away "the last ballot" in the box, because it was found that there was one vote in the ballot-box more than there were names on the poll-books, without stopping to inquire whether the last vote was any more likely to be the fraudulent than the first. The minority feel confident in saying, with due respect, that there is nothing in the depositions to show that it was the last vote thrown away, and that, merely because it happened to be the last. It seems to us, therefore, clear, that the Senate should now do what the board should then have done, and what the statute imperiously requires shall be done, reject both of those ballots, and that one vote more should be taken from those counted for Mr. Shryock; instead of which, the majority recommended that even the vote rejected by the board should be counted to him.

If the minority of your committee are correct in their conclusions, this increases Miller's majority to 16. But it is sought to diminish this majority by showing first, that at this very Harris township, five other votes were given to contestant which by some means were omitted to be counted for him, and secondly, by showing that sundry illegal votes were given to said Miller.

First, as to the five votes, which it is alledged were cast for said contestant in Harris township, but which were not counted in making up the returns. These votes are important, as without them, even by the report of the majority of your committee, said Miller is entitled to his seat. Did such an omission in the count occur? It will not we presume, be controverted, that the count made, certified and returned according to law, must be presumed to be correct until the contrary is clearly shown. The burthen of proof, in this case, is therefore upon the contestant, and he must clearly show that at said poll five legal votes were cast for him, which were not counted and certified for him.

Let it be remembered that it is not claimed that there were five votes which should have been counted for contestant, but which were by mistake counted for the contestee; but simply that there were five votes in that ballot-box which were not counted to anybody, but which should have been counted for the contestant.

How could such an omission occur without being then and there detected? It will be borne in mind that this is same poll where the double ticket was found, and where a careful examination of some kind must have been made to determine whether there was or was not one more ballot found in the box and counted than there were names on the poll-book, and it was ascertained that such was the case.

That some such comparison was made, and that too, after the ballots had been taken from the box, is evident from the testimony of both Nixon and Myers. Nixon says, "when we were *through*

*counting*, we found there was one vote more than was on the poll-book." Myers says, that we had one more ticket than we had names on the poll-book. Now, how was this examination made? It may have been done by recounting the ballots themselves, and comparing the number thereof with the number of names on the poll-book. Can it be believed that intelligent men, with everything fresh in their minds, and with the tally-papers before them, could make such a count and comparison, without discovering that five of those ballots had not been tallied? But the majority of your committee say "the evidence shows no such comparison" as above described, and the minority fully concur. Then there was but one other mode by which it could have been made, and that was, after the ballots had all been counted out and tallied, to add together the number of votes tallied to each candidate, (there being no third one) and compare the aggregate with the number of names on the poll-book. This was the most simple, and by far the speediest and least laborious mode, and the most likely to have been resorted to by a weary board of officers. If this was the mode, as is most probable, it is conclusively shown that there was one more vote tallied than there were names on the poll-book, and that was rejected. Yet it is insisted there were five more, which, by mistake had not been tallied, which would make six more ballots taken from the box than there were names on the poll-books. How could this be possible? The one is accounted for by the double ballot, but where did the others come from and how did they get there? The minority think they were not then there. Does it not then become us, under the circumstances, to inquire where were the ballots, tally-papers and poll-books, between this count and the recount, and who had access to them?

Nixon said at the time of his examination on the 18th of November, that he then had possession of the poll-books, tally-papers, and tickets of that election, and has had possession of them ever since; but he does not show where they were kept, nor whether others could have free access to them or not. He does say "that Esq. Heaton, Mr. Shryock and Mr. Irvin, one of the judges, examined *the tickets* since the election;" but does not say whether they did so in his presence, so that no fraud could be perpetrated without his knowledge. He does not say whether any one else did so. He does not say whether said alleged mistake was then discovered by them, or when it was discovered. He does not say they examined the tally-papers or poll-book. Is not the inference that they did not? Could they, by mere examination of the ballots, learn anything of this mistake? Why then did they examine them? If they did they discover this alleged mistake, how comes it that neither Heaton nor Irvin were examined by contestant? When did these five votes get there? are all inquiries which ought to be, and must be satisfactorily answered, before all suspicion of unfairness can be removed from this matter, and before it can be said that it clearly appears that there were five legal ballots, which ought to have been coun-

ted for the contestant, but which were not. It does not appear that the number of ballots were, since first counted and certified, ever counted and compared with the number of names upon the poll-book, or that the tally-papers were ever so compared. How easy was it for Nixon to have done this when he testified before the commissioners, with these, as he says, all in his possession? Such a comparison would have shown clearly whether the number votes tallied, or the number ballots before him, compared with the number of names on the poll-book, and thus ascertain which was correct. But instead of doing this, he contents himself with an examination of what he believes to be the ballots alone, and says, on examination of the tickets, he finds 47 for Hugh Miller, and 38 for Kline G. Shryock; and when asked if he was sure that that number was the real number given for said candidates, answers very carefully that he believes he is certain from the ballots. The minority of your committee, therefore, think the testimony, in reference to said five votes, is altogether vague, uncertain and unsatisfactory to be relied upon, and that said votes should not be allowed to said contestant.

The minority of your committee will now proceed to consider the votes given and counted to contestee which the contestor alleges are illegal. The first which they will notice are those of the two Wallaces and Surgye, all of which stand upon the same footing. It is conceded that these persons are all foreign born, but all now claim to be citizens of the United States, by the naturalization of their respective fathers, whilst they were respectively minors. If this be true, they were all legal voters at said election. Does the testimony establish these facts? First, as to the Wallaces; they were both examined as witnesses by the contestant, and as was also their father. They both say that their father was naturalized in Oncida county, New York, when the one was between six and ten years of age, and the other about sixteen. They both say they have seen his papers. The father says he was naturalized as aforesaid, and that he had his papers in his possession for many years, but that they have been lost or mislaid, so that, at the time of his examination, he could not, although he made a diligent search, find and produce them. But it is insisted that this testimony, although sufficient to show that they voted and that they were alien born, is not sufficient to show that they had become citizens, because the aforesaid naturalization of the father, is a matter of record, and can only be verified by that record; but the minority think differently. All the residents are presumed to be citizens until the contrary is shown. These men were introduced by contestant to show themselves foreign born, and therefrom to infer that they were not citizens. They acknowledge the foreign birth, but couple that acknowledgment with the explanation and allegation that the disability arising therefrom has ceased by reason of the naturalization of their father whilst they were minors. The minority think that such acknowledgment cannot be separated from the explanation,

but they must be taken together. To be sure, the explanation was objected to by contestant, but the objection could not be sustained. When he requires them to say that they voted and that they were of foreign birth, they have a right, and the contestee has the right to insist that they shall exercise it, to give the grounds upon which they voted; and the whole testimony must be taken together. But there is another view of this case, which the minority desire to present. When a voter offers to vote, if he is challenged, he may be himself sworn, and if he swears that he is a citizen, that is conclusive; no other proof, paper or record is required to be produced; his vote is received.

Now, should the Senate require any greater proof to sustain a vote, than the law requires to authorize its reception? The minority think not; otherwise our elections are a mockery, for the law requires the reception of thousands of votes which could never be sustained and allowed when an election is contested. It would be utterly impossible for the person who received them, to ransack, as he would be obliged to, the clerk's office of almost every court of record in the Union, to get authentic copies of the record of naturalization in each case. The enormous expense would deter him, if nothing else. Yet he must do so if the position of the majority is sustained. It may be urged that each voter should himself procure and keep by him, such copy—for all naturalization papers are only copies. Suppose he did, he could not be compelled to part with it, that it might be made a part of the proof in the case, nor would a copy taken therefrom be evidence, for there is no better settled principle of law, than that you cannot prove a record by a copy of a copy. It must be a copy taken from and compared with the original.

But the minority go farther, and insist that as every vote which has been received into the ballot-box must be presumed legal, until the contrary is shown, it necessarily devolves upon him who would invalidate it, to prove affirmatively every material fact necessary for that purpose, even though it require him to prove a negation. The contestant, therefore, must prove that at the time these men voted for contestee, they had not become citizens nor declared their intentions to become such. He has not done so. In a criminal prosecution against them for illegal voting it might be otherwise. There, when the prosecution had proved their foreign birth, it might devolve upon them to show their naturalization, because they would be parties to the suit, and this would be a fact particularly within their knowledge, and not presumed to be within the knowledge of the opposite party. But this is a very different case. Here they are not parties, but witnesses, and the fact of such naturalization is no more within the knowledge of the contestee than the contestant, nor is the knowledge thereof any more accessible to him.

The minority therefore think, with all due difference, the position of the majority in this respect is unreasonable, and contrary to the principles of law, and the spirit and intention of the statutes, and

that these votes should not be rejected. The vote of Surgye, standing as it does upon precisely the same footing as the Wallaces, must of course stand or fall with them.

The minority desire to notice, in this immediate connection, the case of the two Reeds, who voted for contestant, Shryock, but which is insisted by contestee, should be rejected as illegal and void. It is conceded that they were foreign born, viz: in Canada; but it is claimed that they are citizens, because, as is alledged, their father was a native born citizen of the United States, and had not at the time of their respective births, renounced his allegiance to the government thereof. If either of the positions assumed by the minority in the case of the Wallaces be correct, then these votes are not shown by the proofs to be illegal, otherwise they are. There is no proof that their parents were native born citizens, except that the sons, in their depositions so state. This must necessarily be mere hearsay to them; but it is insisted that hearsay evidence is admissible to establish the place of birth. In the judgment of the minority of your committee the position cannot be successfully maintained. The declarations of a deceased parent, though they are good proof of the time of child's birth, yet they are not admissible as evidence of the place of the birth. 1st Philips on evidence, 214, Cowan & Hill's edition. The American cases are uniform in denying declarations to prove mere place of birth. Cowan & Hill's notes to Phelps' Ev., p. 233, note 176, and the numerous cases therein cited.

The quotation from the text of Greenleaf, relied upon by the majority, does not sustain their position. That shows simply "that the law resorts to hearsay evidence in cases of pedigree." Pedigree is one thing, and the *place of birth* is another and very different one. But even conceding the position taken by the majority, that what has been said by a deceased father as to the place of his birth, is competent evidence, the minority submit the majority are mistaken in supposing that either of the Reeds "testify to what they heard him say under oath, or otherwise, as to his native country." The only testimony the minority find upon this point is, that William M. B. Reed says, "I have heard my father state under oath, that he had not taken the oath of allegiance to any foreign government, and had voted out of the United States." This is not saying that he was born in the United States. There is nothing to show when this declaration was made, and the place would materially affect its meaning, for if in Canada, the United States might be considered and spoken of as a foreign government.

The minority think, therefore, that if these votes are sustained at all, it must be upon the principles laid down by them in the cases of Wallaces and Surgye, and that all must be sustained or all rejected. If all are rejected, it will reduce the majority of Miller 1 vote, and leave it 15.

It is insisted that the vote of John Peffer, which was given to contestee, was illegal and fraudulent, because it is alleged he was

not a resident of the State six months next preceding the election. It is shown by the testimony of Lewis T. Vannest, that he had formerly lived in Indiana, and, as witness says, sold out all his personal property and real estate, and went back to Pennsylvania; he told me he went back to live with his son-in-law. He left for Pennsylvania the last of May or first of June, and returned the last of July or first of August. It does not show how witness knew that he went to Pennsylvania at all. Peffer is not a party to this case. He might have been called as a witness, consequently, anything he may have said as to the purpose for which he went to Pennsylvania, unless it was said at the identical time of starting, or in connection with, and in explanation of some act of preparation to start, so as to make it a part of the *res gesta*, is mere hearsay, and cannot affect this case. It does not appear that what he said was in such connection; hence, there is no legal proof of the intention with which he went to Pennsylvania, if he went; nor is there any proof whatever, that he settled there so as to lose his residence here. The presumption, from the time he was absent, is, that he did not; it took fact as well as intention, to change his residence. Intention to settle in a new place, and the fact of actual settlement, and, as before stated in the case of Waits, until such actual settlement in another place, he did not lose his residence here. Story's Conflict of Laws, page 47.

But the extraordinary position is assumed by the majority, that "if there were any facts connected with the absence of this man calculated to show that he did not lose his residence, these facts should have been adduced by contestee, Miller," and that, too, notwithstanding they have themselves laid down for the government of our investigations in this case, the well-known legal axiom "that fraud will not be presumed, but must be proved." This vote must be presumed valid until every fact necessary to show it fraudulent, has been proved by contestant. This, the minority think, has not been done.

Martin Eisler voted the democratic ticket, is a single man. Crowfoot testifies that he had lived in Indiana, that he went to Wisconsin with intention of staying there, but got sick of the country and came back. He does not tell us how he learned that intention. The testimony in this case does not show that he ever so located in Wisconsin, or elsewhere, as to acquire a new domicile, and thereby lose the old one.

Christian Weiss, who resided at the time of the election in Penn township, in St. Joseph county, voted for Miller. It is insisted that this vote should be rejected because the voter voted in the wrong township. The minority regard that section of the statute which says that each elector shall vote in the township or precinct in which he resides, as merely directory to the voter, and that although the voter may be punished for its violation, so that none of the evils which the majority anticipate may follow a different construction, yet it cannot invalidate a vote cast in another township.

The statute, R. S. page 271, sec. 14, provides "that an election may be contested on account of illegal votes." This is the only clause under which this vote can be rejected. Sec. 15, same page, says, no irregularities or misconduct of any member or officer of a board of judges or canvassers, shall set aside the election of any person, unless such irregularity or mal-conduct was such as to cause the contestee to be declared elected when he had not received the highest number of legal votes. This is not an illegal vote; the voter was entitled to vote in that county for senator, hence, he was a legal voter for that officer, and his vote therefore, was a legal vote, although he deposited it at an improper place; in other words, the object is to ascertain the voice of the legal voters of the district.

As to the votes of Puterbaugh and Williams, the minority concur in the views of the majority, and think they are all legal; they also agree with the majority in finding that the votes of Borrio and Weeden, both of which were given to contestee, were illegal, and should be deducted from his majority; they also concur with the majority in thinking the vote of Auckerman, which was also given to contestee, was illegal, though perhaps not shown to be so by strict technical proofs. They therefore come to the following conclusion upon the case:

Miller, the contestee, is shown by the returns to have received a majority of seven votes, which majority should be increased by one vote cast for him but not counted, in Madison township; also, by one for the double ballot given to contestant in Harris township, not rejected; by the seven illegal and fraudulent votes of Allen Nixon, Alvy Waits, David Lowry, Joseph F. Brown, Aaron Lee, John Roof and Charles Asa Mitchell, which increase that majority to sixteen; but this should be diminished by the three illegal votes of Nicholas Borrio, Edward Weeden and William Auckerman, which leaves said Miller a majority of thirteen votes.

The minority of your committee, therefore, are clearly of the opinion that said Miller was duly elected senator for said district, and is entitled to retain his seat as such senator.

W. C. TARKINGTON,  
C. K. DREW,  
G. W. BROWN.

Which,

On motion by Mr. Suit,  
Was laid on the table.

On motion by Mr. Suit,

The report of the Attorney General in relation to the claim of Morehead, Hall & Co., presented to the Senate on the 2d inst.

Was laid on the table.

## REPORTS FROM STANDING COMMITTEES.

Mr. Murray, chairman of the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred a petition of certain members of the German Baptist church, praying that the law regulating marriages be so changed as to give members of the said society the right to solemnize marriages according to their religious opinions, have had the same under consideration, and deeming the prayer such a one as should be granted, have directed me to report the following bill and respectfully recommend its passage.

Senate bill No. 58. A bill to amend the third section of an act entitled "An act declaratory of the law regulating marriages and enforcing the provisions thereof by proper penalties;" approved March 5, 1852, contained in the foregoing report,

Was read a first time and passed to a second reading.

Mr. Yaryan, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred a resolution of the Senate instructing them "to inquire whether, in their opinion, there is any law now in force in this State, making the State liable for the redemption of the circulation of any of the free banks of this State," have had the same under consideration, and without being able to come to any definite opinion, ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Suit, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred a resolution of the Senate directing them to "inquire if any legislation is necessary to enable naturalized citizens of the United States to inherit real estate or other property, descending or bequeathed to them in any foreign countries, with leave to report by bill or otherwise," have had the subject under consideration, and directed me to report that they do not consider such legislation necessary, and ask to be discharged from the further investigation of the subject.



On motion by Mr. Suit,

The report and resolution were recommitted to the committee on the judiciary.

Mr. Hendry, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 46, "An act to cure defects in the certificates of acknowledgment to conveyances of real estate, and in the record of such acknowledgments, in certain cases therein named," have had the same under consideration, and have directed me to report that they deem legislation on the subject inexpedient, and ask to be discharged from its further consideration.

Which was concurred in.

Senate bill No. 2. A bill to amend the 18th and 19th sections of an act entitled "An act prescribing the powers and duties of justices of the peace in State prosecutions," approved May 29th, 1852, reported from the committee on the judiciary several days ago, and read a first time.

Was ordered to be engrossed.

Mr. Slater of Johnson, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 28, "A bill to enable assignees of school land certificates to obtain deeds when the assignments have not been acknowledged," have had the same under consideration, and have directed me to report it back with the following amendment, and when so amended they respectfully recommend its passage.

Amend, by striking out the 2d section of the bill.

The amendment was adopted and the bill ordered to be engrossed.

On motion by Mr. Yaryan,

The vote ordering Senate bill No. 52 to be engrossed, was reconsidered.

On motion by Mr. Yaryan,

The bill was amended by striking therefrom the emergency clause.

Mr. Freeland moved to reconsider the vote on the amendment to the bill formerly adopted.

Which was not agreed to.

The bill was ordered to be engrossed and read a third time tomorrow.

Mr. Griggs from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution of the Senate instructing them "to inquire into the expediency of abolishing the court of common pleas," &c., have directed me to report the same back, and ask that it be referred to the committee on the organization of courts.

Which was concurred in.

Mr. Murray, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 37, a bill to amend the first section of an act entitled "An act to amend the charter of the Indianapolis and Bellefontaine Railroad Company," passed January, 1850, have had the same under consideration, and have directed me to report it back without amendment, and respectfully recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

#### REPORT FROM SELECT COMMITTEE.

Mr. Miller from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred House bill No. 26, a bill to amend the 8th section of "An act providing for the election, and prescribing certain duties of county surveyors," approved Jan. 17, 1852, have had the same under consideration, and are unanimous in the opinion that said bill ought not to pass, and therefore recommend that it be laid upon the table.

The report was concurred in, and the bill laid on the table.

#### REPORTS FROM JOINT SELECT COMMITTEES.

Mr. Burke, chairman of a joint select committee, made the following report:

MR. PRESIDENT :

The committee appointed on the part of the House of Representatives, in conjunction with a similar committee on behalf of the Senate, in pursuance of House resolution No. 52, to examine into the securities of the various Free Banks of the State of Indiana, so far as the same are connected with the office of Auditor and Treasurer of State, beg leave to submit the following report :

In this exhibit will be found statements of the gross amounts of the securities on deposit, with their par and market value, and the amount of circulation outstanding on the same.

The following securities of twenty-three banks remaining under the general banking law, approved and passed May 28th, 1852, have been carefully examined and found to be as follows :

	Amount.	Market value.
Indiana 5 per cent. bonds.....	\$265,000.	85c...\$225,250
Indiana 2½ ... ..	99,372.....	55c... 54,654
Virginia 6 .....	90,500.....	93c... 84,165
Louisiana 6 .....	112,000.....	93c .. 101,160
Tennessee 5 .....	9,000.....	85c... 7,650
Tennessee 6 .....	3,000.....	92c ... 2,760
Missouri 6.....	100,000.....	90c.. . 90,000
Georgia 6 . . . . .	20,000.....	97c... 19,400
Georgia 7.....	42,500.....	par... 42,500
Kentucky 6 .....	13,000.....	par... 13,000
North Carolina 6.....	2,000.....	95c... 1,900

Total .....	\$756,372.....	\$645,439
Circulation outstanding on the above securities .....		657,383

Present value of securities less than the circulation .....	\$11,944
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Add to this the circulation of the Gramercy Bank at Lafayette.....	\$31,383
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And the circulation of the Shawnee Bank of Attica, (for which there are no securities).....	21,171
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52,554

Making an excess of circulation in the market value of the securities held in trust for the banks under said law of 1852.....	\$64,498
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It may be seen by reference to section 48 of the amended law, approved March 3, 1855, that those banks organized under the provisions of the general banking law of 1852, have until the first day of March, 1857, to wind up, or accept the provisions of the amended act of March 3, 1855.

By the provisions of the general banking law of 1852, the banks were allowed a circulation equal to the par value of their bonds ; but under a requisition of Auditor Talbott, many of those have

either returned a portion of their circulation, or deposited additional securities.

There appears to be a discrepancy in the accounts of the Savings Bank at Connersville. The report of the joint committee to investigate the condition of the free banks in 1855, shows the circulation of this bank to be only (4,000) four thousand dollars, and but four thousand dollars of bonds on deposit. As Auditor Talbott adopted this report of the joint committee as his basis of accounts with all the banks, he, of course, charged this bank with but 4,000 dollars of circulation, and credited it with 4,000 dollars of bonds. It appears, however, on further examination, that there were 5,000 dollars of bonds belonging to said bank, and that the July 1855 semi-annual report of said bank shows that it had received from Auditor Dunn 7,000 dollars of circulation. The interest on the 5,000 dollars of bonds have been retained since July, 1855, making an additional security of over 600 dollars. In this report we have taken the accounts as found on Auditor Talbott's books.

The accounts with the Bank of Warsaw show the circulation outstanding to be 14,817 dollars. The owners of this bank have withdrawn their bonds and deposited with the Auditor an amount in gold sufficient to redeem their entire outstanding circulation.

The following statement shows the condition of the sixteen banks that were either organized under the amended law of 1855, or have since complied with its provisions :

Total amount of bonds at par value.....	\$1,506,144
Total amount of bonds at market value .....	1,231,797
The amount of circulation entitled to under the provisions of the amended act.....	1,119,822
Circulation issued.....	1,089,602
Showing an excess of securities over their market value after deducting one-eleventh. ....	30,220

Section 6, of the amended act of March, 1855, provides that the Auditor shall be allowed to issue 100 dollars of circulation only, for every 110 dollars of bonds at their market value. In addition to the above securities, sections 5 and 25, of the above act, reads as follows :

SEC. 5. Whenever any person, or association of persons, formed for the purpose of banking under this act, shall legally transfer to the Auditor any portion of the stocks or bonds hereinafter specified, such person or association of persons, shall be entitled to receive from the Auditor an equal amount of such circulating notes of different denominations, registered and countersigned as aforesaid, to be issued by them in the usual course of banking business as money.

SEC. 25. Every stockholder of any such association shall be liable, in his individual capacity, for any contract, debt, or engagement of such association, to an amount over and above his stock equal to the amount of his shares of such stock.

On a careful examination of the books and securities in possession of the Auditor and Treasurer of State, we are of the opinion that the last named sixteen banks are in a safe healthy condition.

LEWIS BURKE,  
W. C. TARKINGTON,  
A. JOHNSTON,  
*Of the Senate.*

B. F. SCHERMERHORN,  
A. HUMPHREYS,  
D. C. BRANHAM,  
*Of the House committee.*

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*AN EXHIBIT of the Condition of the several Free Banks of Indiana, organized under the General Banking Law, approved May 28th, 1852—the kind and amount of securities deposited with the Auditor of State, with the amount of Notes in circulation on the 23d day of January, 1857, as shown by the books kept by the Auditor of State.*

INDIANA STOCK BANK, LAPORTE.

Indiana 5 per cents. bonds.....	\$50,000 market value 85c	\$42,500
Notes in circulation.....		44,500
		<hr/>
Excess of circulation.....		\$2,000

CANAL BANK, EVANSVILLE.

Indiana 5 per cent. bonds.....	\$50,000 market value 85c	\$42,500
Notes in circulation.....		40,002
		<hr/>
Excess of securities .....		\$2,498

FAYETTE COUNTY BANK, CONNERSVILLE.

Virginia 6 per cent. bonds.....	\$14,500 market value 93c	\$13,485
Circulation issued.....		13,000
		<hr/>
Excess of securities.....		\$485

## INDIANA BANK, MICHIGAN CITY.

Indiana 5 per cent. bonds.....	\$55,000 market value 85c	\$46,750
Circulation issued.....		49,998
Excess of circulation .....		<u>\$3,248</u>

## NEW YORK AND VIRGINIA STATE STOCK BANK, EVANSVILLE.

Virginia 6 per cent. bonds.....	\$2,000 market value 93c	\$1,860
Circulation issued .....		954
Excess of securities.....		<u>\$906</u>

## BROOKVILLE BANK, BROOKVILLE.

Indiana 5 per cent. bonds.....	\$12,000 market value 85c	\$10,200
Virginia 6 per cent. bonds....	9,000 market value 92c	8,370
Total .....	\$21,000.....	<u>\$18,570</u>
Circulation issued.....		19,801
Excess of circulation.....		<u>\$1,231</u>

## BANK OF GOSHEN, GOSHEN.

Indiana 5 per cent. bonds.....	\$21,000 market value 85c	\$17,850
Louisiana 6 per cent. bonds..	29,500 market value 93c	27,435
Tennessee 5 per cent. bonds..	9,000 market value 85c	7,650
Total .....	\$59,500.....	<u>\$52,935</u>
Circulation issued.....		52,194
Excess of securities.....		<u>\$741</u>

## HOOSIER BANK, LOGANSPOUT.

Louisiana 6 per cent. bonds....	\$34,000 market value 93c	\$31,620
Virginia 6 per cent. bonds....	1,000 market value 93c	930
Missouri 6 per cent. bonds....	16,000 market value 90c	14,400
Total .....	\$51,000.....	<u>\$46,950</u>
Circulation issued .....		49,985
Excess of circulation .....		<u>\$,035</u>

## BANK OF SYRACUSE, SYRACUSE.

Indiana 5 per cent. bonds.....	\$1,000 market value 85c	\$850
Indiana 2½ per cent. bonds....	60,100 market value 55c	33,055

Louisiana 6 per cent. bonds . . . .	2,500 market value 93c	2,325
Total . . . . .	\$63,600 . . . . .	\$36,230
Circulation issued . . . . .		34,338
Excess of securities . . . . .		\$1,892

## BANK OF ELKHART, ELKHART.

Indiana 5 per cent. bonds . . . .	\$30,500 market value 85c	\$25,925
Circulation issued . . . . .		25,497
Excess of securities . . . . .		\$428

## FARMERS' BANK, WESTFIELD.

Indiana 2½ per cent. bonds . . . .	\$22,272 market value 55c	\$12,249
Indiana 5 per cent. bonds . . . .	26,000 market value 85c	22,100
Louisiana 6 per cent. bonds . . . .	4,000 market value 93c	3,720
Total . . . . .	\$52,272 . . . . .	\$38,069
Circulation issued . . . . .		41,351
Excess of circulation . . . . .		\$3,282

## MERCHANTS' AND MECHANICS' BANK, NEW ALBANY.

Indiana 5 per cent. bonds . . . .	\$4,000 market value 85c	\$3,400
Georgia 6 per cent. bonds . . . .	20,000 market value 97c	19,400
Kentucky 6 per cent. bonds . . . .	13,000 market value par	13,000
Tennessee 6 per cent. bonds . . . .	3,000 market value 92c	2,760
Total . . . . .	\$40,000 . . . . .	\$38,560
Circulation issued . . . . .		39,998
Excess of circulation . . . . .		\$1,438

## BANK OF MOUNT VERNON, MOUNT VERNON.

Georgia 7 per cent. bonds . . . .	\$42,500 market value par	\$42,500
North Carolina 6 per cent. bonds . . . .	2,000 market value 95c	1,900
Total . . . . .	\$44,500 . . . . .	\$44,400
Circulation issued . . . . .		44,644
Excess of circulation . . . . .		\$244

☞ Georgia 7 per cents above par.

## INDIAN RESERVE BANK, KOKOMO.

Virginia 6 per cent. bonds....	\$25,000 market value 93c	\$23,250
- Circulation issued.....		23,616
		<hr/>
Excess of circulation .....		\$366

## BANK OF SALEM, SALEM.

Missouri 6 per cent. bonds....	\$76,000 market value 90c	\$68,400
Circulation issued.....		74,000
		<hr/>
Excess of circulation.....		\$5,600

## SHAWNEE BANK, ATTICA.

No securities.

Circulation issued.....	\$21,171
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## SALEM BANK, GOSHEN.

Indiana 5 per cent. bonds....	\$6,500 market value 85c	\$5,525
Virginia 6 per cent. bonds....	5,000 market value 93c	4,650
Louisiana 6 per cent. bonds..	41,000 market value 93c	38,130
Indiana 2½ per cent. bonds....	8,000 market value 55c	4,400
		<hr/>
Total .....	\$60,500.....	\$52,705
Circulation issued.....		52,000
		<hr/>
Excess of securities.....		\$705

## HUNTINGTON COUNTY BANK, HUNTINGTON.

Virginia 6 per cent. bonds....	\$18,000 market value 93c	\$16,740
Indiana 5 per cent. bonds....	2,000 market value 85c	1,700
		<hr/>
Total.....	\$20,000.....	\$18,440
Circulation issued.....		17,995
		<hr/>
Excess of securities .....		\$444

## BANK OF MONTICELLO, MONTICELLO.

Virginia 6 per cent. bonds....	\$10,000 market value 93c	\$9,300
Circulation issued .....		9,500
		<hr/>
Excess of circulation.....		\$200



## BANK OF THE CAPITAL, INDIANAPOLIS

Indiana $2\frac{1}{2}$ per cent. bonds . . .	\$9,000 market value 55c	\$4,950
Circulation issued . . . . .		4,290
		<hr/>
Excess of securities . . . . .		660

## BANK OF NORTH AMERICA, CLINTON.

Indiana 5 per cent. bonds . . . . .	\$7,000 market value 85c	\$5,950
Virginia 6 per cent. bonds . . .	4,000 market value 93c	3,720
Missouri 6 per cent bonds . . .	6,000 market value 90c	5,400
		<hr/>
Total . . . . .	17,000	15,070
Circulation issued . . . . .		15,720
		<hr/>
Excess of circulation . . . . .		650

## GRAMERCY BANK, LAFAYETTE.

No securities.		
Circulation issued . . . . .		\$31,383

## SAVINGS' BANK CONNERSVILLE.

Virginia 6 per cent. bonds . . .	\$2,000 market value 93c	\$1,860
Missouri 6 per cent. bonds . . .	2,000 market value 90c	1,800
Louisiana 6 per cent. bonds . .	1,000 market value 93c	930
		<hr/>
Total . . . . .	5,000	4,590
Circulation issued . . . . .		4,000
		<hr/>
Excess of securities . . . . .		590

*RECAPITULATION of the foregoing twenty-three Banks that were organized under the General Banking Law of 1852, showing the amount of Securities, their par and market value, the amount of Circulation issued thereon, with the excess of Circulation and Securities of each respectively :*

NAMES OF BANKS.	LOCATION.	Amount of Securities.	Market Value of Securities.	Amount of Circulation.	Excess of Securities.	Excess of Circulation.
Indiana Stock Bank .....	Laporte.....	\$50,000	\$42,500	\$44,500	.....	\$2,000
Canal Bank.....	Evansville.....	50,000	42,500	40,000	\$2,498	.....
Fayette County Bank.....	Connersville.....	14,500	13,485	13,000	485	.....
Indiana Bank.....	Michigan City.....	55,000	46,750	49,998	.....	3,248
N. Y. & Virginia State Stock Bank	Evansville.....	2,000	1,860	954	906	.....
Brookville Bank.....	Brookville.....	21,000	18,570	19,601	.....	1,231
Bank of Goshen.....	Goshen.....	59,500	52,935	51,194	741	.....
Hoosier Bank.....	Logansport.....	51,000	46,950	49,985	.....	3,015
Bank of Syracuse.....	Syracuse.....	63,600	56,230	54,378	1,892	.....
Bank of Elkhart.....	Elkhart.....	30,500	25,925	25,497	428	.....
Farmers' Bank.....	Westfield.....	52,272	38,069	41,351	.....	3,282
Merchants' & Mechanics' Bank...	New Albany.....	40,000	38,560	39,998	.....	1,438
Bank of Mount Vernon.....	Mount Vernon.....	44,500	44,400	44,644	.....	244
Indian Reserve Bank.....	Kokomo.....	25,000	23,250	23,616	.....	366
Bank of Salem.....	Salem.....	76,000	65,400	74,000	.....	5,600
Shawnee Bank.....	Attica.....	.....	.....	21,171	.....	21,171
Salem Bank.....	Goshen.....	60,500	52,705	52,000	705	.....
Huntington County Bank.....	Huntington.....	20,000	18,440	17,995	445	.....
Bank of Monticello.....	Monticello.....	10,000	9,300	9,500	.....	200
Bank of the Capitol.....	Indianapolis.....	9,500	4,950	4,290	660	.....
Bank of North America.....	Clinton.....	17,000	15,070	15,700	.....	650
Gramercy Bank.....	Lafayette.....	.....	.....	31,383	.....	31,383
Savings Bank.....	Connersville.....	5,000	4,590	4,000	590	.....
Total .....	.....	756,372	645,439	709,937	9,350	73,848

AN ACT "to amend an act to authorize and regulate the business of General Banking," which went into effect March 3, 1855.

Sec. 6. Whenever any association of persons, formed under this act, shall legally transfer to the Treasurer of State fifty thousand dollars worth of stocks or bonds, such as hereinafter specified, such association of persons shall be entitled to receive from the said auditor, for every one hundred and ten dollars worth of stock or bonds thus transferred and deposited, only one hundred dollars in notes of different denominations, registered and countersigned as aforesaid, to be used by them in the usual course of banking business, as money; *Provided*, That if all the persons composing such associations shall be *bona fide* residents of this State, and *bona fide* owners in their own right, and not in trust or for the use and benefit of others, of the stocks or bonds transferred and deposited as aforesaid, then for every one hundred and ten dollars worth of stocks or bonds thus deposited, such association shall be entitled to receive only one hundred dollars in notes as aforesaid; and, *provided further*, That the aggregate amount of bank circulation, under the provis-

ions of this act, shall not exceed six million dollars ; and, *provided, further*, That no association, under this act, shall have a greater circulation of notes than two hundred thousand dollars *Provided further*, That the bank notes issued by any banking association shall be receivable in payment of any debt or liability due the banking association so issuing such bank notes ; and the same rule shall prevail for one year after said transfer of said bank or other stock thereof to other individuals, for banking purposes, in regard to the debts and liabilities incurred, either before or after such transfer.

Sec. 25. Every shareholder of any such association shall be liable, in his individual capacity, for any contract, debt or engagement of such association, to an amount over and above his stock, equal to the amount of his shares of such stock.

Sec. 48. Every bank or banking association organized under provisions of the general banking law of this State, may, in case it shall, immediately after the passage of this act, pay all its circulating notes in coin upon demand, have until the first day of March, 1857, to wind up or accept the provisions of this act ; *Provided*, That the auditor shall, in no case, issue any circulating notes to any bank until it shall have fully complied with the provisions of this act. *And, provided further*, That if any bank shall fail to pay its circulating notes in coin, it shall be wound up and closed by the auditor, pursuant to the provisions of this act.

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*CONDITION of the Free Banks of Indiana that have complied with the General Banking Law, as amended and passed March 3d, 1855, whose securities are deposited with the Treasurer of State.*

PRAIRIE CITY BANK, TERRE HAUTE.

Indiana 5 per cent. bonds...	\$162,000	market value 85c	\$137,700
Indiana 2½ per cent. bonds ..	10,000	market value 55c	5,500
	<hr/>		<hr/>
	\$172,000	Total....	\$143,000
	<hr/>		<hr/>
Amount of circulation entitled to by amended law, 1855,			\$130,182
Amount of circulation issued.....			129,574
			<hr/>
Excess of circulation .....			608

## SOUTHERN BANK OF INDIANA, TERRE HAUTE.

Missouri 6 per cent. bonds...	\$37,000	market value 94c	\$34,780
Virginia 6 per cent. bonds...	23,000	market value 98½c	22,650
Virginia 6 per cent. bonds...	15,000	market value 95c	14,250
Indiana 5 per cent. bonds...	68,000	market value 85c	57,800
Louisiana 6 per cent. bonds...	1,500	market value 94c	1,410

	<u>\$144,500</u>	Total....	<u>\$130,890</u>
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Circulation entitled to under amended law of 1855 .....	\$118,991
Circulation issued.....	<u>118,995</u>

Excess of circulation .....	<u>4</u>
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## CRESCENT CITY BANK, EVANSVILLE.

Indiana 5 per cent. bonds ...	\$75,600	market value 83c	\$62,748
Kentucky 6 per cent. bonds..	2,500	market value par	2,500

	<u>\$78,100</u>	Total....	<u>\$65,248</u>
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Circulation entitled to .....	\$59,317
Circulation issued.....	<u>59,306</u>

Excess of securities .....	<u>11</u>
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## CENTRAL BANK, INDIANAPOLIS.

Missouri 6 per cent. bonds...	\$10,000	market value 88c	\$8,800
Indiana 5 per cent. bonds....	30,000	market value 82c	25,005
Indiana 5 per cent. bonds....	1,000	market value 85c	850
Indiana 6 per cent. bonds....	15,000	market value par	15,000
Indiana 6 per cent. bonds....	1,000	market value 95¾c	957
Indiana 2½ per cent. bonds..	850	market value 55c	453

	<u>\$57,825</u>	Total....	<u>\$51,569</u>
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Circulation entitled to.....	\$46,873
Circulation issued .....	<u>46,630</u>

Excess of securities.....	<u>243</u>
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## LAGRANGE BANK, LIMA.

Indiana 5 per cent. bonds...	\$14,000	market value 83c	\$11,620
Indiana 2½ per cent. bonds...	22,050	market value 55c	12,127
Tennessee 6 per cent. bonds...	5,000	market value —	5,750
Kentucky 6 per cent. bonds...	13,000	market value par	13,000
N. Carolina 6 per cent. bonds...	5,000	market value par	5,000
Louisiana 6 per cent. bonds...	21,000	market value 93c	19,530
	<u>\$80,050</u>	Total....	<u>\$66,027</u>

Circulation entitled to.....	\$60,025
Circulation issued.....	<u>60,029</u>
Excess of circulation.....	4

## CAMBRIDGE CITY BANK, CAMBRIDGE CITY.

Indiana 2½ per cent. bonds...	\$51,334	market value 55c	\$28,233
Indiana 5 per cent. bonds...	43,500	market value 83c	36,100
Virginia 6 per cent. bonds...	2,000	market value 92½c	1,850
	<u>\$96,834</u>	Total....	<u>\$66,183</u>

Circulation entitled to.....	\$60,167
Circulation issued.....	<u>60,175</u>
Excess of circulation.....	8

## BANK OF ROCKVILLE, WABASH TOWN.

Louisiana 6 per cent. bonds...	\$54,000	market value 90c	\$48,600
Missouri 6 per cent. bonds...	5,000	market value 88c	4,400
Missouri 6 per cent. bonds...	5,000	market value 87c	4,350
Missouri 6 per cent. bonds...	1,000	market value 90c	900
	<u>\$65,000</u>	Total....	<u>\$58,250</u>

Circulation entitled to.....	\$52,955
Circulation issued.....	<u>52,990</u>
Excess of securities.....	35

## KENTUCKY STOCK BANK, COLUMBUS.

Louisiana 6 per cent. bonds..	\$11,000	market value 95c	\$10,450
Georgia 6 per cent. bonds...	6,500	market value 95c	6,175
Missouri 6 per cent. bonds..	4,000	market value 87c	3,480
Kentucky 6 per cent. bonds .	14,000	market value par	14,000
Indiana 5 per cent. bonds...	29,500	market value 83½c	24,583
Missouri 6 per cent. bonds..	10,000	market value 88c	8,800
Indiana 2½ per cent. bonds...	5,000	market value 55c	2,750
	<u>\$80,000</u>	Total .	<u>\$70,238</u>

Circulation entitled to.....	\$63,853
Circulation issued.....	63,900
Excess of circulation ..	47

## BANK OF PAOLI, PAOLI.

Louisiana 6 per cent. bonds..	\$27,500	market value 93c	\$25,575
Louisiana 6 per cent. bonds..	6,000	market value 90c	5,400
Missouri 6 per cent. bonds. .	27,000	market value 90c	24,300
Missouri 6 per cent. bonds...	10,000	market value 89c	8,900
Missouri 6 per cent. bonds...	31,000	market value 90c	27,900
	<u>\$101,500</u>	Total....	<u>\$92,075</u>

Circulation entitled to.....	\$83,705
Circulation issued.....	83,856
Excess of circulation ..	151

## PARKE COUNTY BANK, ROCKVILLE.

Indiana 5 per cent. bonds...	\$100,000	market value 83½c	\$83,333
Indiana 2½ per cent. bonds..	1,000	market value —	550
	<u>\$101,000</u>	Total....	<u>\$83,883</u>

Circulation entitled to .....	\$76,258
Circulation issued .....	76,245
Excess of securities.....	13

## BLOOMINGTON BANK, BLOOMINGTON.

Missouri 6 per cent. bonds...	\$100,000 market value 90c	\$90,000
Circulation entitled to .....		\$81,819
Circulation issued.....		81,830
Excess of circulation.....		11

## INDIANA FARMERS' BANK, FRANKLIN.

Missouri 6 per cent. bonds...	\$8,000 market value 88c	\$7,040
Indiana 5 per cent. bonds..	51,000 market value 85c	43,350
	<u>\$59,000</u>	<u>\$50,390</u>
Circulation entitled to.. ..		\$45,809
Circulation issued.....		45,810
Excess of circulation ..		1

## EXCHANGE BANK, GREENCASTLE.

Indiana 6 per cent. bonds....	\$5,000 market value par	\$5,000
Indiana 5 per cent. bonds....	2,000 market value 85c	1,700
Pennsylvania 5 per cent. bonds	1,000 market value 85c	850
Indiana 2½ per cent. bonds...	85,758 market value 55c	47,166
Louisiana 6 per cent. bonds..	4,500 market value 94c	4,230
	<u>\$98,258</u>	<u>\$58,946</u>
Circulation entitled to ....		\$53,588
Circulation issued.....		53,585
Excess of securities .....		3

## TIPPECANOE BANK, TIPPECANOE.

Missouri 6 per cent. bonds...	\$5,000 market value 88c	\$4,400
Missouri 6 per cent. bonds...	1,000 market value 90c	900
Louisiana 6 per cent. bonds..	1,000 market value 90c	900
Louisiana 6 per cent. bonds..	7,000 market value 93c	6,510
Indiana 2¼ per cent. bonds...	46,000 market value 55c	25,300
Indiana 5 per cent bonds....	1,500 market value 82c	1,230
Indiana 5 per cent. bonds....	15,000 market value 83½c	12,500
	<u>\$76,500</u>	<u>\$51,740</u>
	Total....	

Circulation entitled to .....	\$47,037
Circulation issued .....	46,610
Excess of securities.....	427

## SALEM BANK, NEW ALBANY.

Indiana 5 per cent. bonds....	\$21,000	market value 85c	\$17,850
Indiana 2½ per cent. bonds...	5,000	market value 55c	2,750
Missouri 6 per cent. bonds...	36,000	market value 90c	32,400
	<u>\$62,000</u>	Total....	<u>\$53,000</u>
Circulation entitled to.....			\$48,182
Circulation issued .....			19,543
Excess of securities.....			28,639

## INDIANA BANK, MADISON.

Indiana 2½ per cent. bonds....	\$46,077	market value 55c	\$25,242
Indiana 5 per cent. bonds....	50,500	market value 85c	42,925
Virginia 6 per cent. bonds ...	2,000	market value 90c	1,800
Missouri 6 per cent. bonds...	35,000	market value 86c	30,100
	<u>\$133,577</u>		<u>100,167</u>
Circulation entitled to .....			\$91,061
Circulation issued .....			90,524
Excess of securities .....			537



## RECAPITULATION.

NAMES OF BANKS.	Am't of Bonds.	Market Value of Bonds.	Circulation entitled to.	Circulation Issued	Excess of Securities.	Excess of Circulation.
Prairie City Bank.....	\$172,000	\$143,200	\$130,182	\$129,574	\$608	.....
Southern Bank of Indiana.....	144,500	130,890	118,991	118,915	.....	\$4
Crescent City Bank.....	78,110	65,248	59,317	59,306	11	.....
Central Bank.....	57,825	51,560	46,873	46,630	243	.....
Lagrange Bank.....	80,050	66,027	60,025	60,029	.....	4
Cambridge City Bank.....	96,834	66,183	60,167	60,175	.....	8
Bank of Rockville.....	65,600	58,250	52,955	52,990	35	.....
Kentucky Stock Bank.....	80,000	70,238	63,853	63,900	.....	47
Bank of Paoli.....	101,500	92,075	83,705	83,856	.....	151
Farke County Bank.....	101,000	83,883	76,258	76,245	13	.....
Bloomington Bank.....	100,000	90,000	81,819	81,830	.....	11
Indiana Farmers' Bank.....	59,000	50,390	45,809	45,810	.....	1
Exchange Bank.....	98,258	58,946	53,588	53,585	3	.....
Tippecanoe Bank.....	76,500	51,740	47,037	46,610	427	.....
Salem Bank.....	62,000	53,000	48,182	19,543	23,639	.....
Indiana Bank.....	133,577	100,167	91,061	90,524	537	.....
Total.....	\$1,506,144	\$1,231,797	\$1,118,932	\$1,089,602	\$30,516	\$226

*The following is a list of the Suspended Free Banks, showing the balances of Circulation yet outstanding, and the securities or the proceeds of securities remaining in the hands of the Auditor of State, for the redemption of said outstanding Circulation, November, 1856.*

NAMES OF BANKS.	Circulation outstanding.	Market Value of Securities, or Coin on hand, for the redemption of Circulation.
Bank of Connersville.....	\$20,917	Coin.....\$8,315 30
State Bank of Indiana, at Peru.....	2,340	Coin.....2,046 80
Wabash Valley Bank.....	1,902	Coin.....1,551 96
Plymouth Bank.....	.....	Coin.....338 25
Druger's Bank, at Rome.....	205	Coin.....220 08
Bank of North America, at Newport.....	1,051	Coin.....995 50
Western Bank, Plymouth.....	1,068	Coin.....1,068 00
Northern Indiana Bank.....	1,048	Coin.....1,027 09
Elkhart County Bank.....	1,038	Coin.....1,103 86
Bank of Albany.....	1,367	Coin.....1,230 30
State Stock Bank, Jamestown.....	543	Coin.....543 50
Bank of Covington.....	262	Coin.....226 50
Great Western Bank.....	1,811	Coin.....1,811 00
Bank of Rochester.....	3,064	Coin.....3,000 00
Waynesbank, Logansport.....	860	Bonds, \$1,000—Coin, \$340. 1,340 00
Waynesbank, Richmond.....	310	Coin.....696 00
Bank of Attica.....	1,985	Coin.....1,787 54
Delaware County Bank.....	1,042	Coin.....1,042 00
North Western Bank.....	2,070	.....
Bank of America, Morocco.....	1,214	Coin.....1,065 64
Atlantic Bk, Jackson.....	422	Coin.....337 60
State Stock Bank, Marion.....	686	Coin.....639 90
Traders' Bank, Nashville.....	1,292	Coin.....1,142 35
Laurel Bank.....	817	Coin.....702 92
Kalamazoo Bank, Albion.....	787	Coin.....708 30
Farmers' Bank, Jasper.....	1,992	Coin.....1,837 30
Bank of Albion.....	1,130	Coin.....1,500 00
Bank of South Bend.....	530	Coin.....530 00
Orange Bank.....	80	Coin.....80 00
Bank of T. W. Swarth.....	37	Coin.....35 68
Bank of Rockport.....	10	Coin.....50 00
Wabash River Bank.....	1,880	Coin.....1,880 00
Bank of Perryville.....	100	Coin.....100 00
Bank of Bridgeport.....	94	Coin.....82 72
Agricultural Bank.....	380	Coin.....380 00

The proceeds of the securities of the following named banks are exhausted :

New York Stock Bank, Vincennes.  
 Steuben County Bank  
 Bank of Rensselaer.  
 Bank of Fort Wayne.  
 Traders' Bank, Terre Haute.  
 Greene County Bank.  
 Farmers' and Mechanics' Bank at Rensselaer.  
 Upper Wabash Bank.

On motion by Mr. Burke,

The report was laid on the table and 1,000 copies ordered to be printed for the use of the Senate.

Mr. Weir offered the following preamble and resolution:

WHEREAS, It is right and proper that the true condition of the office of the Auditor of State should be made known to the public, and that it should be subject to strict scrutiny, inasmuch as the affairs of said office are said to be in complicated condition; therefore,

*Be it resolved*, That Douglass Maguire, E. W. H. Ellis and John P. Dunn, all ex-Auditors of this State, be and they are hereby appointed a committee to examine thoroughly the affairs of said office, to see that all vouchers are properly classified and filed, to see that all warrants correspond with the authenticated vouchers, to examine specially the condition of the bank deposits, as to the amount of the issue, the securities deposited, the amount of redemptions, and upon actual count of the circulating paper returned to said office, to destroy the same, and enter the amount on record, properly classified as to date and denomination, which count shall be conclusive against any bank or individual claimant, or any other claimants. *Provided*, That notice shall be given to such bank or claimant if known to said committee to appear at such counting, such notice stating the time.

*Resolved*, That in case of refusal or neglect to serve for any cause whatever, a majority of said committee shall be competent to discharge the duties herein required.

*Resolved*, That said committee shall make full report of all their doings and proceedings to the Senate, at the next meeting of the Legislature, in 1859, and shall receive for their compensation such sum as may be just and reasonable, to be certified by the chairman of said committee.

Which,

On motion by Mr. Yaryan,  
 Was laid on the table.

On motion by Mr. Cravens,

*Resolved*, That the committee on temperance be directed, if in their judgment it is expedient, to incorporate in any bill which they may prepare and report on that subject, a provision prohibiting any one engaged in the traffic of ardent spirits from selling, giving, or procuring to be so sold or given to any minor child, malt, vinous or spirituous liquor or liquors under the penalty of five hundred dollars, and imprisonment in the State prison not less than six, nor more than eighteen months; and also making the party so offending, liable to the parent, guardian or master of such minor child, ward or apprentice in a civil action in the sum of ——— dollars, to be recovered in any court of competent jurisdiction.

On motion by Mr. Weir,

*Resolved*, That the select committee to whom Senate bill No. 42, was referred, be requested to report their doings thereon, as soon as convenient.

On motion by Mr. Hefren,

*Resolved*, That the committee on finance be requested to inquire into and report upon the expediency of allowing David Patton his expenses paid out in pursuing Francis M. Lemmon, a fugitive from justice from the county of Washington, and capturing and lodging him in the proper jail for trial.

On motion by Mr. Weir,

*Resolved*, That a committee of one from each congressional district be appointed to examine and report to this body the expediency of erecting a building for the use of the State officers as offices, in compliance with the recommendation in the Governor's message.

On motion by Mr. Hefren,  
The Senate adjourned.

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THURSDAY MORNING, 9 O'CLOCK, }  
February 5, 1857. }

The Senate met.

The journal of the preceding day was read.

Mr. Hefren moved that the journal be so corrected as to show that the President of the Senate stated when he left the Chair yesterday "he did it for the purpose of meeting the House and Senate in joint convention in the Hall of the House of Representatives, which convention had previously been adjourned to meet at 10 o'clock on the 4th day of February for the purpose of electing two United States Senators, and that he now left for that purpose, it being a duty imposed on him by the constitution,"

Mr. Sage moved to lay the motion the table.

The ayes and noes being demanded by senators Hefren and Slater of Dearborn,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir and Yaryan—25.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetter, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace and Wilson—22.

So the motion to lay on the table prevailed.

The President appointed senators Weir, Drew, Crane, Cravens, Slater of Dearborn, Burke, Bobbs, McLean, Wallace, Hendry and Green a select committee to inquire into and report upon the expediency of erecting a building for State officers, pursuant to resolution adopted on yesterday.

#### SPECIAL ORDER.

The following resolution:

*Resolved*, That it is inexpedient to go into the election of United States Senators or other officers, during the present session of the General Assembly.

Being the special order for to-day at 10 o'clock, A. M.

The Senate proceeded to the consideration of the same.

On motion by Mr. Suit,

The further consideration of the resolution was postponed till Thursday next at 10 o'clock, A. M.

## PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Hargrove introduced a petition from sundry citizens of Pike county on the subject of the practice of medicine and surgery by incompetent persons, &c.

Which,

On motion by Mr. Freeland,  
Was laid on the table.

On motion by Mr. Freeland,  
The order of business was suspended; and,

Mr. Freeland moved to take from the table all petitions on the subject of the practice of medicine and surgery, and refer them to a select committee of five physicians.

Which was agreed to.

The President appointed senators Freeland, Sage, Crouse, McClure and Bobbs said select committee.

Mr. Johnston introduced a petition from sundry citizens of Putnam county, praying the passage of a law requiring the copying of the field notes of county surveyors into new books, to be prepared for that purpose.

Which,

On motion by Mr. Johnston,  
Was referred to the committee on county and township business.

Mr. Cravens introduced the following petition of D. O. Dailey :

*To the Honorable Senate of the State of Indiana :*

GENTLEMEN:—The undersigned, your petitioner, would respectfully represent that at a general election held in the county of Clarke and State of Indiana, on the 14th day of October, 1856, your petitioner received 1441 votes for the office of Senator to fill the vacancy occasioned by the present occupying Senator, Rev. Leroy Woods, having accepted another office, being all the votes given for said office, as appears from the returns of said election now on file in the office of the Secretary of State.

And your petitioner would further represent, that he now holds the certificate of his election from the clerk of said county, a copy of which is on file in the office of the Secretary of State; and further, that a certain Leroy Woods, Moral Instructor to the State prison, occupies a seat in your honorable body, as senator from Clark county, without having any legal right thereto. Wherefore your petitioner asks that the seat of said Woods be declared vacant and that your petitioner be sworn in as senator to fill said vacancy.

D. O. DAILEY.

Mr. Wallace moved to lay the petition on the table.

The ayes and noes being demanded by senators Gooding and Hendry,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace and Wilson—21.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir and Yaryan—25.

So the petition was not laid on the table.

Mr. Cravens moved to refer the petition to the committee on elections.

The ayes and noes being demanded by senators Slater and Hostetler,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir and Yaryan—25.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Tarkington, Wallace and Wilson—20.

So the petition was referred.

The following protest was presented to the Senate by Mr. Bearss:

WHEREAS, On the 2d day of February, 1857, there was held in the hall of the House of Representatives, a meeting purporting to be composed of certain members of the General Assembly, which it is said was an adjourned meeting of a so styled joint convention referred to and characterized in a preamble and postest presented and entered upon the journal of this Senate, January 29, 1857.

AND WHEREAS, Said meeting neither entered upon, entertained, nor did any other business than, like the king of the French with his forty thousand men, "marched up the hill and then marched down again," simply assemble, and without vote, decision or order therefor, by the self-constituted, self-elected or self-chosen president thereof, adjourn to meet again on the 4th day of February, without the specification of any object, reason or design for such adjourned meeting;

AND WHEREAS, On the said 4th day of February aforesaid, at the hour of 10 o'clock, A. M., and whilst the Senate was engaged in a regular session in the transaction of its business, the Hon. A. A. Hammond, Lieutenant Governor and *ex-officio* President of the Senate, of his own act, did interrupt and suspend the order of business, to announce that the hour had arrived for repairing to the hall of the House, to go into joint convention; whereupon, as on the former occasion referred to in the preamble and resolution of the aforesaid 29th January, the Lieutenant Governor vacated his seat as the presiding officer of this Senate, and left the Senate chamber, attended by a few of the members of this body, between whom and the presiding officer there seemed to be a perfect understanding as though both were alike moved by a common impulse, no such convention, and no reason, demand or call for such convention, being known to this Senate, nor any action to which this Senate has ever been a party, being had for the organization of such so-called joint convention;

AND WHEREAS, When the Lieut. Governor with his attendant senators had left this chamber, it is understood that a meeting of the said Lieut. Governor and senators with a certain number of gentlemen members of the House of Representatives in the hall of the said House of Representatives, over which so called joint convention, without election, appointment or expressed desire so to do by the members thereof, it is said that the Lieut. Governor presided;

AND WHEREAS, At said meeting it is further reported, and by some believed to be true, that a sham, illegal, fraudulent and disgraceful attempt at an election for two United States senators was had, which, if correctly reported, resulting, as it is said to have done, in the choice by such Assembly, of Jesse D. Bright and Graham N. Fitch as such senators, can only be regarded as an informal expression of the profound devotion of partizan friends, for which expressive election, so significant as it was of partizan and personal fidelity, neither this General Assembly, the laws, nor constitution of this State are in anywise responsible, neither having been consulted or made parties to the transaction in any respect or manner, whatsoever;

AND WHEREAS, In order that the said Lieut. Governor might avail himself of the opportunity of assuming the right or power to preside over the deliberations of said meeting or unauthorized joint convention, he did, without permission from this Senate, leave the chair, which it is also assumed by said Lieut. Governor,

is and was an adjournment of this body, which assumption, is in direct contravention of the constitution of this State. art. IV, sec. 10, wherein it is declared, "each house when assembled, shall determine its own rules of proceeding, and sit upon its own adjournment;"

AND WHEREAS, Any action of the President of this Senate, or its members in any such meeting as aforesaid, is, and was in direct conflict with rule 54 of the standing rules of this Senate which reads as follows: "In all joint meetings of the two Houses of the Legislature convened for a specific purpose, it shall be incompetent for this body or its members to engage in such joint meeting in the transaction of any other business than that for which they were so specifically assembled;" no joint meeting having been agreed upon by or between the two Houses of this General Assembly, or any declared business or object of such assembly;

AND WHEREAS, During the time such unauthorized and unlawful meeting was engaged in such illegal action, this Senate was in session, a presiding officer having been appointed *pro tem.*, until the same was adjourned by a vote of its members, as will be seen by reference to its journal;

AND WHEREAS, Such so called joint convention was not called into existence by any action to which the Senate was a party, nor even composed of a quorum of either House of this General Assembly, but deriving its powers and vitality from violence, disorder and fraud:

We do therefore most solemnly and earnestly protest against the action, doings and resolves, of said so denominated joint convention; and on behalf of the people and sovereignty of this State, would invoke the indignation and judgment of all men, whether in authority or as citizen subjects, upon any and all such elections, as unconstitutional, revolutionary and void, and would further ask this Senate to direct its Secretary to transmit immediately, two copies of this preamble and protest to the U. S. Senate, one to the President of that body, and the other to Judge Trumbull, senator from the State of Illinois.

JOHN R. CRAVENS,  
D. R. BEARSS,  
WALTER MARCH,  
JOHN GREEN,  
SOLOMON BLAIR,  
G. W. CHAPMAN,  
ISAAC KINLEY,  
JOHN THOMPSON,  
A. W. HENDRY,  
C. D. MURRAY,  
LEWIS BURKE,  
JOHN YARYAN,  
M. H. WEIR,  
A. S. GRIGGS,

JOHN T. FREELAND,  
STANLEY COOPER,  
ISAAC A. RICE,  
JAMES F. SUIT,  
JAMES F. PARKER,  
DANIEL HILL,  
JOHN S. BOBBS,  
D. H. CROUSE,  
JOHN F. STEVENS,  
DAVID CRANE,  
P. S. SAGE,  
S. T. ENSEY,  
JOHN WESTON.



## RESOLUTIONS.

Mr. Griggs offered the following resolution :

*Resolved*, That the doorkeeper of the Senate be directed to purchase a full set of the reports of the Supreme Court of the State for the use of the judiciary committee, to be placed in the State Library after the adjournment, to be used by the judiciary committee hereafter at all subsequent sessions of the General Assembly.

Which,

On motion by Mr. Weir,  
Was laid on the table.

On motion by Mr. Hendry,

*Resolved*, That the committee on banks be instructed to inquire into the expediency of making it a felony for the Auditor of State deliver up to any banking association or person, the securities filed with him to secure the redemption of bank notes.

On motion by Mr. Kinley,

*Resolved*, That the committee on agriculture be instructed inquire into the expediency of enacting a law to prevent the destruction of sheep by dogs, and report by bill or otherwise.

Mr. Slater of Johnson offered the following preamble and resolution :

WHEREAS, It appears upon the journal of the Senate of the present session that the Senate adopted a resolution declaring that Leroy Woods, senator from the county of Clark, had by his own act, vacated his seat in the Senate ; AND WHEREAS, twenty-three senators of this Senate are satisfied beyond a reasonable doubt that at the time of the adoption of the resolution above referred to, there was not present in the Senate two-thirds of its members, therefore, in order to ascertain how many senators were present at the time said resolution was adopted ;

*Resolved*, That there be a call of the Senate, and that upon the calling of the roll each senator shall answer as his name is called, whether he was or was not present in the Senate at the time of the adoption of said resolution.

Mr. Freeland moved to lay the resolution on the table.

The ayes and noes being demanded by senators Tarkington and Wallace,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Stevens, Suit, Thompson, Weir and Yaryan—23.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Crane, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, McCleary, McClure, McLean, Richardson, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace and Wilson—23.

So the motion to lay on the table did not prevail.

On motion by Mr. Suit,  
A call of the Senate was ordered.

The Secretary proceeded with the call.

Whereupon, it being found that senators Miller and Weston were absent.

On motion by Mr. Cravens,  
The further call of the Senate was suspended.

Mr. Cravens moved that the further consideration of the resolution be postponed till Thursday next at 2 o'clock, P. M.

The ayes and noes being demanded by senators Cravens and Wallace,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Freeland, Green, Griggs, Hefren, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir and Yaryan—26.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Hostetler, Johnston, Mansfield, Mathes, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace and Wilson—20.

So the further consideration of the resolution was postponed.

On motion by Mr. Gooding,

*Resolved,* That the committee on elections be requested to report

at their earliest convenience, on the contested seat in the Senate, from the counties of Rush, Marion and Fountain.

# JOINT RESOLUTIONS.

By unanimous consent,  
Mr. McCleary introduced;

Senate Joint Resolution No. 2. A joint resolution in regard to Lieuts. Maury and Noble.

Which was read a first time.

On motion by Mr. Drew,  
The order of business was suspended, and  
The following message from the House was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

House bill No. 51. A bill to provide for, and regulate the inspection of tobacco throughout the State of Indiana.

In which the concurrence of the Senate is respectfully requested.

House bill No. 51, contained in the foregoing message,  
Was read a first time.

Mr. Drew moved to suspend the rules and read to bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Bobbs, Brown, Burke, Chapman, Crane, Cravens, Drew, Fisk, Freeland, Green, Griggs, Hargrove, Hefren, Hendry, Hostetler, Johnston, Mathes, McCleary, McClure, McLean, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Stevens, Suit, Tarkington, Thompson, Wallace, Wilson and Yaryan—35.

*Those who voted in the negative were,*

Messrs. Gooding, Kinley, March and Mansfield—4.

So the rules were suspended, and the bill read a second time by its title.

On motion by Mr. Drew,

The bill was referred to a select committee of three.

The President appointed senators Drew, Mansfield and Crane, said select committee.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Cravens introduced

Senate bill No. 57. A bill to amend an act entitled "An act concerning interest on money," approved May 27, 1852, and to repeal sec. 51 of "An act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852.

Which was read a first time.

By unanimous consent,  
Mr. Wallace introduced

Senate bill No. 60. A bill providing for assignments in trust for the benefit of creditors, and regulating the mode of administering the same.

Which was read a first time.

On motion by Mr. Weir,  
The order of business was suspended, and

Senate bill No. 40. A bill allowing the formation and defining the liabilities of limited partnership,

Was taken from the table and placed on file.

By unanimous consent,  
Mr. Tarkington introduced

Senate bill No. 61. A bill to prescribe the mode of selecting petit jurors in the courts of common pleas, and repealing all laws contravening the provisions of this act.

Which was read a first time.

On motion by Mr. Murray,  
The order of business was suspended, and  
Mr. Murray, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 36, "a bill to provide for a change of venue on account of prejudice of presiding judge," have had the same under consideration,

and have directed me to report it back with the following amendment, and when so amended to recommend its passage.

Amend by adding to the first section,  
 "Provided, That where the common pleas court has concurrent jurisdiction of the cause, it shall be sent to that court, unless the same objection exists against the judge thereof."

The amendment was adopted and the bill ordered to be engrossed.

On motion by Mr. Mansfield,

The Senate adjourned.

2 o'clock, P. M

The Senate met.

#### ORDERS OF THE DAY.

##### *Senate Bills on third reading.*

No. 25. A bill to cure defects in executions of deeds, mortgages and other instruments, or in certificates of acknowledgment to conveyances of real estate in certain cases herein specified.

Was read a third time.

On motion by Mr. Green,  
 The bill was laid on the table.

On motion by Mr. Bobbs,  
 The vote laying the bill on the table, was reconsidered.

On motion by Mr. Bobbs,  
 The vote ordering the bill to a third reading was reconsidered.

On motion by Mr. Green,  
 The bill was referred to a select committee of three.

The President appointed senators Green, Bobbs and March, as said select committee.

No. 13. A bill to amend the 6th and 18th sections of an act entitled "An act regulating the granting of divorces, nullification

of marriages and decrees, orders of courts incident thereto," approved May 13, 1852.

Was read a third time.

On motion by Mr. Weir,

The vote ordering the bill to a third reading was reconsidered.

Mr. Murray offered the following amendment:

"*Provided*, That all actions and suits pending at the taking effect of this act, shall not be effected thereby, but such suits shall be prosecuted and determined as if this act had not been passed."

Which was agreed to.

Mr. Weir moved to amend the bill by striking out the emergency clause.

The ayes and noes being demanded by senators Weir and Hefren,

*Those who voted in the affirmative were,*

Messrs. Alexander, Fisk, Gooding, Hargrove, Hefren, Richardson, Rugg, and Weir—8.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Freeland, Green, Griggs, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Mathes, Miller, Murray, McCleary, McClure, McLean, Rice, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Wallace, Wilson and Yaryan—38.

So the amendment was not agreed to.

Mr. Gooding moved to further amend the bill "by striking out the 8th clause of the 2d section of the bill, and the 3d section of said bill."

Which was not agreed to.

Mr. Gooding moved to further amend the bill by adding to the 8th clause of section 2d, the following:

"*Provided*, That the injured party shall be deemed to have waived his or her right to a divorce under the clause unless advantage is taken of the same by petition for divorce within six months from the discovery of the fraud."

Which was not agreed to.

Mr. Hefren moved to further amend the bill, by striking from section 2d and clause 3d, the word "two," and insert the word "one;" so as to make it read "one year" instead of "two years."

Mr. Freeland moved to amend the amendment "so as to require them both to wait two years."

Which was not agreed to.

The question then recurred on the adoption of the amendment.

Which was not agreed to.

On motion by Mr. Murray,

The bill was considered as engrossed and read a third time.

The question being, shall the bill pass,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Fisk, Freeland, Green, Hargrove, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Mathes, Miller, Murray, McLean, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Wallace, Weir, Wilson and Yaryan—42.

*Those who voted in the negative were,*

Messrs. Gooding, Griggs, Hefren and McClure—4.

So the bill passed.

*Ordered,* That the secretary inform the House thereof.

On motion by Mr. Green,

Mr. Weir was added to the select committee on Senate bill No. 25.

No. 38. A bill to authorize county recorders to demand their fees in advance.

Was read a third time.

Mr. Rugg moved to recommit the bill to the committee on the judiciary with instructions "to amend by applying the principle of the bill to all fees of all officers, State, county and township."

Which was not agreed to.

Mr. Johnston moved to recommit the bill to the committee on the judiciary with instructions "to so amend the bill as to make recorders and county surveyors fees a lien upon the land upon which the fees have accrued." Also, "to amend so as to make such fees collectable as county taxes are."

Which was not agreed to.

Mr. Rice moved to recommit the bill to the committee on the judiciary with instructions "to amend the same by allowing clerks of courts to require security for costs in all cases before they shall be compelled to issue any process."

Which was not agreed to.

The question being shall the bill pass,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bobbs, Brown, Burke, Crane, Cravens, Crouse, Drew, Fisk, Freeland, Gooding, Griggs, Hargrove, Hill, Johnston, Kinley, March, Miller, Murray, McLean, Richardson, Rice, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Thompson, Wallace, Weir and Yaryan—31.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Cooper, Green, Hefren, Hendry, Hostetler, Mansfield, Mathes, McCleary, McClure, Parker, Rugg, Tarkington and Wilson—15.

So the bill passed.

*Ordered,* That the secretary inform the House thereof.

On motion by Mr. Brown,  
The Senate adjourned.

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FRIDAY MORNING, 9 o'clock, A. M., }  
February 6, 1857. }

The Senate met.

The journal of the preceding day was read.

#### REPORTS FROM SELECT COMMITTEES.

Mr. Drew, chairman of a select committee, made the following report:



MR. PRESIDENT:

The select committee to whom was referred House bill No. 51, providing for the establishment of tobacco warehouses and the inspection of tobacco, have had the same under consideration, and instruct me to report the same back and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

#### RESOLUTIONS.

On motion by Mr. Hill,

*Resolved*, That the committee on agriculture be instructed to report a bill to prevent as far as practicable a wanton destruction of inoffensive birds and other game.

Mr. Crane offered the following resolution:

*Resolved*, That until the final action of the Senate, that the name of the senator from Clark be called whenever the names of other senators are called.

Mr. Suit moved to lay the resolution on the table.

The ayes and noes being demanded by senators Drew and Hefren,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir. Wilson and Yaryan—25.

*Those who voted in the negative were,*

Messrs. Alexander, Crane, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, Richardson, Rugg, Slater of Dearborn and Tarkington—18.

So the resolution was laid on the table.

Mr. Sage offered the following preamble and resolution:

WHEREAS, The people of the State are looking with great anxiety to the action of the Legislature in regard to the banking institutions of the State, and especially "The Bank of the State of Indiana: "

AND WHEREAS, This subject has been by the Senate referred to a select committee ; therefore,

*Resolved*, That said committee be required to report their doings in the premises thus far, and that they make a final report at the earliest day possible, so that the subject may be speedily acted upon by the Senate.

Which were agreed to.

On motion by Mr. Rice,

*Resolved*, That the committee on printing be instructed to inquire into the expediency of so amending the present law as to authorize the letting of the State printing to the lowest responsible bidder, and report by bill or otherwise.

On motion by Mr. Brown,

*Resolved*, That there be a select committee appointed to consist of five members on the part of the Senate, to examine into and report upon the condition of the State Treasury, and report the same immediately to this Senate.

On motion by Mr. Chapman,

*Resolved*, That the committee on education be instructed to inquire into the propriety of reporting a bill requiring county auditors to subscribe for one copy of the Indiana School Journal for each township of their county.

On motion by Mr. Johnston,

*Resolved*, That the committee on roads be instructed to inquire into, and report to the Senate whether there is any law now in force to prohibit railroad companies from obstructing public highways by stopping their trains of cars, and suffering them to remain across such highways to the hindrance of travelers.

On motion by Mr. Rugg,

*Resolved*, That the committee on county and township business be instructed to report a bill to provide for a more efficient introduction of standard weights and measures into the trade and commerce throughout the State.

On motion by Mr. Bobbs,

*Resolved*, That the present superintendent of public instruction be directed to examine and report the condition of the school funds,

the manner in which they are kept, and whether any portion thereof has been diverted to other uses than those pertaining to school purposes, and if so, to what amount, and whether said fund has sustained any diminution by such diversion, if any, and to what amount; and the Auditor of State and the Treasurer of State are hereby required to afford all necessary facilities for such purpose.

On motion by Mr. Suit,

*Resolved*, That one hundred copies of the majority and minority reports, separate, in the contested election case of Miller and Shryock, be printed for the use of the Senate.

On motion by Mr. Sage,

*Resolved*, That the committee on benevolent institutions have leave of absence this afternoon, for the purpose of visiting the Institution for the Deaf and Dumb.

Mr. Hefren offered the following resolution :

*Resolved*, That the Senate will (the House concurring,) adjourn *sine die* on the third day of March next, at 12 o'clock, noon of said day.

Mr. Slater of Dearborn, moved to lay the resolution on the table.

The ayes and noes being demanded by senators Fisk and Hefren,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Freeland, Gooding, Green, Griggs, Hendry, Hill, Kinley, March, Murray, McLean, Parker, Rice, Sage, Stevens, Suit, Tarkington, Thompson, Weir and Yaryan—28.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Fisk, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, Richardson, Rugg. Slater of Dearborn and Wilson—17.

So the resolution was laid on the table.

On motion by Mr. Stevens,

*Resolved*, That the judiciary committee be requested to report whether or not the Senate has a right to elect a State printer to do the printing of the Senate.

On motion by Mr. Tarkington,

The order of business was suspended and the following message from the House taken up.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has adopted the following resolution, viz:

*Resolved*, That whereas bill No. 6, concerning interest on money has been by mistake, sent the Honorable, the Senate, and reported as finally passed by this House; and whereas, it appears that the motion to reconsider the vote on the passage of said bill, has not been disposed of in accordance with the constitution and rules of this House; therefore,

*Resolved*, That the Senate be respectfully requested to return said bill No. 6 to this House for final action thereon.

Which was concurred in, and the bill ordered to be returned.

On motion by Mr. Parker,

*Resolved*, That the committee on finance be instructed to inquire into the expediency of reporting a bill authorizing the board of county commissioners to assess a road tax of one cent per acre on all taxable lands in the several counties in this State, in lieu of all other taxes for road purposes.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Green introduced,

Senate bill No. 62. A bill to amend the 3d section of "an act to regulate the title of all those who purchased swamp lands of the United States after the date of the donation and before the selection of swamp lands by the State of Indiana; approved March 5, 1855."

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Tarkington introduced

Senate bill No. 63. A bill to amend the 6th, 22d, 78th, 79th, 96th, 119th, and 194th sections, and to repeal section 99 of an act entitled "An act to provide for the valuation and assessment of the real and personal property, and the collection of taxes, in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State, approved June 21, 1852," and to provide for the assess

ment and taxation of banks, brokers, stockjobbers, insurance companies, trust companies, savings institutions, gas companies, and other joint stock companies whose taxation is not specially provided for.

Which was read a first time.

Mr. Hostetler moved to suspend the rules and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Cravens, Crouse, Drew, Fisk, Freeland, Green, Griggs, Hargrove, Hefren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Mathes, Miller, Murray, McCleary, McClure, McLean, Parker, Richardson, Rice, Slater of Dearborn, Slater of Johnson, Suit, Tarkington, Thompson, Weir, Wilson and Yaryan—40.

*Those who voted in the negative were,*

Messrs. Bearss and Gooding—2.

So the bill was read a second time by its title.

Mr. Freeland moved to amend the bill "by adding all the swamp land bills of the Senate, with the bills in relation to divorces and practice of medicine."

Which was not agreed to.

On motion by Mr. Hostetler,

The bill was laid on the table and 200 copies ordered to be printed for the use of the Senate.

By unanimous consent,

Mr. Bearss introduced,

Senate bill No. 64. A bill to amend section 1st of an act entitled "An act to change the time of holding courts in the eleventh judicial circuit," approved March 3d, 1855.

Was read a first time and passed to a second reading.

By unanimous consent,

Senate bill No. 49 was taken from the table and placed on file.

By unanimous consent,

Mr. Murray introduced,

Senate bill No. 65. A bill to amend sections 33 and 128 of an act entitled "An act to revise, simplify and abridge the rules, prac-

S. J.—19.

tice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Cooper introduced,

Senate bill No. 66. A bill to provide for the loaning of the surplus revenue fund and other public funds, and in certain cases to extend the time when such loans are to be paid.

Which was read a first time.

Mr. Freeland moved to suspend the rules and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Fisk, Freeland, Green, Griggs, Hendry, Hostetler, Johnston, Kinley, March, Mansfield, Mathes, Murray, McClure, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Weir, Wilson and Yaryan—39.

*Those who voted in the negative were,*

Messrs. Hargrove, Hill and Miller—3.

So the bill was read a second time by its title.

On motion by Mr. Bobbs,  
The bill was referred to the committee on finance.

By unanimous consent,  
Mr. Hostetler introduced,

Senate bill No. 67. A bill to repeal sec. 9 of an act entitled "An act to enforce the 13th article of the constitution by providing a penalty for the importation of negroes and mulattoes in the State of Indiana, contrary to the provisions of said act."

Which was read a first time and passed to a second reading.

The President appointed senators Brown, Yaryan, Tarkington and Cravens a select committee to examine into, and report upon the condition of the State Treasury, in pursuance to the resolution of the senator from Putnam, adopted by the Senate this morning.

By unanimous consent,  
Mr. March introduced,

Senate bill No. 68. A bill to amend the 14th section of an act entitled "An act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof."

Which was read a first time and passed to a second reading.

On motion by Mr. Bobbs,  
The order of business was suspended, and,  
Mr. Bobbs introduced

Senate joint resolution No. 3. A joint resolution authorizing the superintendent of public instruction to distribute the balance of the school funds in the treasury, and directing the proper officers to disburse the same.

Which was read a first time.

Mr. Bobbs moved to suspend the rules and read the resolution a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Fisk, Freeland, Green, Griggs, Hargrove, Heffen, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Mathes, Miller, Murray, McClure, McLean, Parker, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Weir, Wilson and Yaryan—42.

No senator voting in the negative.

So the joint resolution was read a second time by its title, and ordered to be engrossed.

#### ORDERS OF THE DAY.

#### *Senate Bills on Third Reading.*

No. 15. A bill fixing the compensation of executors and administrators, and to repeal section 148 of chapter 10 in vol. 2 Revised Statutes, 1852.

Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Crouse, Drew, Fisk, Green, Griggs, Hargrove, Hefren, Hill, Hostetler, Kinley, March, Mansfield, Mathes, Miller, Murray, McCleary, McClure, Richardson, Rice, Rugg, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington and Yaryan—35.

*Those who voted in the negative were,*

Messrs. Freeland, Gooding, Hendry, Johnston, McLean, Parker, Sage, Thompson, Weir and Wilson—10.

So the bill passed.

Mr. Yaryan moved to reconsider the vote on the passage of the bill.

Mr. Hefren moved to lay the motion to reconsider on the table. Which was not agreed to.

The question recurred on the motion to reconsider the vote taken on the passage of the bill.

The ayes and noes being demanded by senators Weir and Bearss,

*Those who voted in the affirmative were,*

Messrs. Brown, Burke, Chapman, Fisk, Freeland, Gooding, Hendry, Hill, Johnston, Kinley, Mansfield, Miller, Murray, McClure, Parker, Rugg, Sage, Suit, Thompson, Wallace, Weir, Wilson and Yaryan—23.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Chapman, Crane, Cravens, Green, Hargrove, Hefren, Hostetler, March, Mathes, Richardson, Rice, Stevens, and Tarkington—16.

So the vote was reconsidered.

On motion by Mr. Weir,  
The vote ordering the bill to be engrossed was reconsidered.

On motion by Mr. Murray,  
The bill was referred to the committee on the organization of courts.

Mr. March moved the following instructions to the committee, to amend as follows :

That whenever an attorney is employed by an executor or admin-



istrator in the discharge of his duties, except in cases of litigation, no allowance shall be made therefor out of the estate of the decedent.

Mr. Gooding moved to amend the instructions "so as to provide that no administrator or executor shall employ an attorney in the settlement of an estate, and to further provide that administration shall be gratis and without charge by any administrator, executor, attorney or clerk; and also to place physicians' fees on an equal footing with attorneys' fees."

Pending the consideration of which.

On motion by Mr. Brown,  
The Senate adjourned.

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2 O'CLOCK, P. M.

The Senate met.

The question pending at adjournment, being on the adoption of the amendment to the instructions,

Mr. Rugg moved the following additional instructions:

To amend so that no estate shall be settled without the employment of an attorney, who shall be paid a reasonable compensation out of the estate.

Mr. Stevens offered the following additional instructions:

Amend the bill so as to provide that each county shall elect a general administrator, who shall administer on all estates, and receive compensation for his services out of the treasury of each county, and to give bond in a sufficient sum, for the faithful performance of his duty; provided that in all cases where the deceased before his death shall, shall have recommended any person to administer, that he shall act jointly with such person so designated; but in all cases the administrator general shall be responsible for the management of the affairs of all estates, subject only to the order of any judge of the court of common pleas or any other officer authorized to act in the settlement of probate business; and provided further, that the relative or relatives in all cases, shall have the right to administer jointly with the general administrator, provided that if any difference of opinion arises between the general

administrator and the friend who may become associated with him, that the authorized court may decide as to the matter in controversy; but in no case shall the associate administrator control the business in any way whatever, unless directed so to do by the court having competent jurisdiction; and provided further, that in all cases, the general administrator shall be liable on his bond for all matters.

On motion by Mr. Green,  
The pending instructions were laid on the table.

On motion by Mr. Wallace,

Senate bill No. 44 was taken up, and made the special order for Tuesday next at 2 o'clock, P. M.

Senate bill No. 40 was taken from the table, and

On motion by Mr. Brown,  
Referred to the committee on the judiciary.

#### SENATE JOINT RESOLUTIONS ON SECOND READING.

Senate joint resolution No. 2. A joint resolution in regard to Lieuts. Maury and Noble.

Was read a second time, and ordered to be engrossed.

#### *Senate Bills on Second Reading.*

Senate bill No. 52. A bill touching the disposition of the German Revised Statutes of 1852.

Was read a second time, and ordered to be engrossed.

Senate bill No. 53. A bill to amend sec. 1 of chap. 110 of an act to amend sec. 3 of an act entitled "An act for the regulation of weights and measures."

Was read a second time, and,

On motion by Mr. Cravens,  
Referred to the committee on agriculture.

Senate bill No. 55. A bill to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice, in a uniform mode of pleading and practice, without distinction between law and equity.

Was read a second time, and,

On motion by Mr. McLean,  
Referred to the committee on the judiciary, with instructions to add the usual emergency clause thereto.

On motion by Mr. McLean,

The vote referring the bill to the judiciary committee was reconsidered, and,

On motion by Mr. McLean,

The bill was referred to a select committee of three with the same instructions.

The President appointed senators McLean, Yaryan and Suit said select committee.

Senate bill No. 56. A bill to provide for the relief and support of married women when deserted by their husbands, and children when deserted by their parents, by the sale of the property.

Was read a second time and ordered to be engrossed.

Senate bill No. 58. A bill to amend the third section of an act entitled "An act declaratory of the law regulating marriages and enforcing the provisions thereof by proper penalties;" approved March 5, 1852.

Was read a second time.

Mr. Gooding offered the following amendment :

"*Provided*, That whenever no license shall be granted, the marriage shall be recorded in the office of the county recorder within ninety days from the marriage."

Mr. Hefren moved to amend the amendment by adding :

"So that no persons who are *bona fide* residents of this State shall be compelled to procure license before being joined in marriage."

Mr. Hostetler moved to refer the bill and pending amendments to the committee on benevolent institutions.

Which was not agreed to.

Mr. Green moved to lay the pending amendments on the table.

A division of the question being called for,

The question being, shall the amendment to the amendment lay on the table?

Which was agreed to.

Mr. Green withdrew the motion to lay on the table.

The question recurred on the adoption of the amendment.

Which was agreed to.

On motion by Mr. Weir,

The bill was referred to a select committee of three.

The President appointed senators Hill, Rugg and Green said select committee.

The following messages from the House were taken up :

A message from the House by Mr. Bowes, their clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bills thereof :

Bill No. 84. A bill to amend the 31st section of an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and also declaring their duties ; approved June 11, 1852. Also :

Bill No. 111. A bill to provide for the annexation of incorporated towns, to incorporate cities, and for the consolidation or union of incorporated towns and incorporated cities.

House bill No. 84, contained in the foregoing message,  
Was read a first time and passed to a second reading.

House bill No. 111, contained in the foregoing message,  
Was read a first time and passed to a second reading.

A message from the House by Mr. Bowes their clerk.

MR. PRESIDENT :

I am directed by the House of Representative to inform the Senate, that the House has passed the following engrossed bill thereof :

No. 75. An act to amend the 23d section of an act entitled "An act concerning trespassing and partition fences."

In which the concurrence of the Senate is respectfully requested.

House bill No. 75, contained in the foregoing message,  
Was read a first time and passed to a second reading.

The following message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed engrossed bill of the House No. 5, entitled an act to amend the 10th section of an act entitled "An

act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties ;" approved June. 11th, 1852, and supplemental thereto.

In which the concurrence of the Senate is respectfully requested.

House bill No. 5, contained in the foregoing message,  
Was read a first time and passed to a second reading.

The following message from the House, by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed engrossed House bill No. 11, entitled an act to amend the 2d section of an act entitled " An act concerning the organization of voluntary associations and repealing former laws in reference thereto ;" approved February 12, 1855, so as to authorize the formation of ferry companies.

Also, engrossed House bill No 24, entitled an act to amend section 6 of an act entitled " An act touching the laying out and vacating towns, streets, alleys, public squares and grounds or any part thereof, the making out and recording of plats of such towns, and providing for the change of the names of such towns ;" approved May 10, 1852.

In which the concurrence of the Senate is respectfully requested.

House bill No. 11, contained in the foregoing message,  
Was read a first time and passed to a second reading.

House bill No. 24, contained in the foregoing message,  
Was read a first time and passed to a second reading.

The following message from the House, by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives. to inform the Senate, that the House has passed the following engrossed bill theoeof:

No. 3. An act to repeal an act approved February 16, 1855, relative to the manufacture and sale of spirituous and intoxicating liquors.

In which the concurrence of the Senate in respectfully requested.

House bill No. 3, contained in the foregoing message,  
Was read a first time and passed to a second reading.

A message from the House, by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representative to inform the Senate that the House has passed the enclosed resolution of the House.

In which the concurrence of the Senate is respectfully requested.

*Resolved*, That the Senate concurring, that 5,000 copies of the annual report of the commissioners and superintendent of the Indiana Hospital for the Insane be printed, 2,000 for the use of the Legislature, and 3,000 be placed in the hands of the superintendent for the use of said institution.

The message was concurred in, and the resolution adopted.

A message from the House, by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof :

No. 116. An act to provide for the distribution of the German edition of the revised statutes of 1852, among the several counties of the State. Also,

No. 108. An act authorizing the appointment of special administrators and prescribing their duties in certain cases.

In which the concurrence of the Senate is respectfully requested.

House bills Nos. 106 and 108, contained in the foregoing message,

Were read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in the following resolution of the Senate :

*Resolved*, That a select committee of three be appointed to act in conjunction with a like committee on the part of the House of Representatives, to inquire in reference to, and report to the Senate a plan for the better heating and ventilating of the Hall and Senate Chamber,

And that Messrs. Davis of Sullivan, McGinnis and Williams of Lagrange were appointed such committee on the part of the House.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, viz :

No. 57. A bill legalizing the acknowledgment of all deeds and mortgages, and other instruments required to be recorded, taken and certified by justices of the peace to whom commissions have been regularly issued by mistakes, before the expiration of the term of office of their predecessors.

In which the concurrence of the Senate is respectfully requested.

House bill No. 57, contained in the foregoing message, was read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

No. 120. An act to repeal the 13th and 20th sections of an act entitled "An act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852, and also to authorize and regulate the taking of appeals from courts of common pleas. Also,

No. 121. An act to change the time when the State superintendent of public instruction shall enter upon the duties of his office.

In which the concurrence of the Senate is respectfully requested.

House bills Nos. 120 and 121, contained in the foregoing message,

Were read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof :

No. 95. An act to provide for the safe keeping of the public

money, and of bonds, and other securities entrusted to the care of certain officers.

In which the concurrence of the Senate is respectfully requested.

House bill No. 95, contained in the foregoing message,  
Was read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof :

No. 125. An act to vest certain rights in married women, whose husbands have left the State without making suitable provisions for their maintenance, or whose husbands are confined in the State Prison.

In which the concurrence of the Senate is respectfully requested.

House bill No. 125, contained in the foregoing message,  
Was read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, viz :

No. 128. A bill to cure defective sales made by executors or administrators, where the heirs have been notified by publication or summons.

In which the concurrence of the Senate is respectfully requested.

House bill No. 128, contained in the foregoing message,  
Was read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, viz :

No. 104. A bill to repeal section 10 of an act entitled "An act to establish courts of conciliation, to prescribe rules and proceed-



ings therein, and compensation of judges thereof," approved June 11, 1852,

In which the concurrence of the Senate is respectfully requested.

House bill No. 104, contained in the foregoing message,  
Was read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, viz :

No. 77. A bill to amend the 1st section of an act entitled "An act to incorporate the Cannelton Paper Mill," approved February 15th, 1848, so as to give power to manufacture other articles.

In which the concurrence of the Senate is respectfully requested.

House bill No. 77, contained the foregoing message,  
Was read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

No. 165. An act to amend section 2 of an act entitled "An act to change the time of holding courts in the eleventh judicial circuit." Also,

No. 132. An act to amend an act entitled "An act declaratory of the law regulating marriages, and enforcing the provisions thereof by proper penalties," approved March 5, 1852. Also,

No. 10. An act to provide for the approval of official bonds in cases not now provided for by law.

In which the concurrence of the Senate is respectfully requested.

House bills Nos. 165, 132 and 10, contained in the foregoing message,

Were read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Sen-

ate that the House has passed engrossed bill of the House No. 70, entitled,

■ An act to amend the 6th, 7th, 19th and 20th sections of an act entitled "An act regulating the granting of divorces, nullification of marriages and decrees, and orders of court incident thereto," approved May 13, 1852. Also, engrossed bill of the House No. 81, entitled

An act to amend an act entitled "An act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852.

In which the concurrence of the Senate is respectfully requested.

House bill No. 70 and 81, contained in the foregoing message, Were read a first time and passed to a second reading.

On motion by Mr. Murray,

The Senate adjourned.

SATURDAY MORNING, 9 o'clock, }  
February 7, 1857. }

The Senate met.

The Secretary proceeded to read the journal of yesterday, Whereupon,

On motion,  
The further reading of the journal was dispensed with.

#### PETITIONS, MEMORIALS, AND REMONSTRANCES.

Mr. Kinley introduced a petition from sundry colored citizens of the county of Rush praying for the repeal or modication of the "black laws" of the State.

Mr. Kinley moved to refer the petition to the committee on the judiciary.

Mr. Wallace moved to lay the petition on the table.

The ayes and noes being demanded by senators Sage and Wallace,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Drew, Fisk, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Suit, Tarkington, Wallace and Wilson—21.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Crane, Cravens, Crouse, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Thompson, Weir and Yaryan—22.

So the motion to lay on the table did not prevail.

The question recurred on the reference of the petition to the committee on the judiciary.

The ayes and noes being demanded by senators Drew and Wallace,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Crane, Cravens, Crouse, Gooding, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir and Yaryan—24.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Fisk, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace and Wilson—20.

So the petition was referred.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Hendry, from the committee on the organization of courts, made the following report :

MR. PRESIDENT :

The committee on the organization of courts, to whom was referred an act amendatory of section 6 and 8 of chapter 8 of the Revised Statutes of 1852, entitled "An act in relation to county auditors," have had the same under consideration, and directed me to report that further legislation on the subject is inexpedient.

The committee was discharged from the further consideration of the subject ; and

Senate bill No. 27. A bill amendatory of section 6 and 8 of chapter 8 of the Revised Statute of 1852, entitled "An act in relation to county auditors;" contained in the foregoing report,  
Was ordered to be engrossed.

By unanimous consent,  
The order of business was suspended, and,  
On motion by Mr. Murray,

The bill was considered as engrossed and read a third time.

Mr. Gooding moved to recommit the bill with instructions "to strike out all that relates to the deputies of county auditors administering oaths."

Which was agreed to.

Mr. March moved to further instruct the committee as follows:  
"To strike out the amendment to the 8th section."

Which was not agreed to.

Mr. Rice, from the committee on the organization of courts, made the following report:

MR. PRESIDENT:

The committee on the organization of courts, to whom was referred Senate bill No. 4, "An act to authorize the appointment of some person to hold the common pleas court, in case of the absence or sickness of the judge," have had the same under consideration, and have directed me to report it back without amendment, and recommend its passage.

Which was concurred in.

Mr. Gooding moved to recommit the bill to a select committee.  
Which was not agreed to.

Mr. Stevens moved to amend the bill as follows:

"So as to pay the *pro tem* judge out of the county treasury where such court is held at the rate of three dollars per day."

On motion by Mr. Green,  
The amendment was laid on the table.

Mr. Miller moved to amend by the bill "striking *three* and inserting *five* dollars."

On motion by Mr. Bearss,  
The amendment was laid on the table.

The bill was ordered to be engrossed.

Mr. Johnston, from the committee on the organization of courts, made the following report :

MR. PRESIDENT:

The committee on the organization of courts, to whom was referred a resolution of the Senate, intructing the committee to inquire into the expediency of reducing the number of judicial circuit courts so as to keep the judges constantly employed, and to give them a sufficient salary to remunerate them for their services, have had the same under consideration, and have directed me to report that legislation on the subject is inexpedient at this time.

Which was concurred in.

The President laid before the Senate the following communication :

OFFICE OF TREASURER OF STATE,  
Indianapolis, Feb. 7, 1857. }

HON. ABRAM A. HAMMOND,  
*President of the Senate :*

Will you please lay before the Senate the enclosed copy of an answer to resolution of the House.

Very respectfully,  
W. R. NOFSINGER,  
*Treasurer of State.*

(COPY.)

OFFICE OF TREASURER OF STATE,  
Indianapolis, February, 1857. }

*To the House of Representatives :*

On yesterday afternoon the following resolution adopted by the House was handed to me, to-wit :

“*Resolved*, That the Treasurer of State be requested to furnish this House forthwith with the following information :

*First*.—If there remains in his office any protested drafts belonging to this State?

*Second*.—What is the amount of such draft?

*Third*.—By whom were such drafts removed?

*Fourth*.—The cause why such drafts were protested?

*Fifth*.—Whether any efforts have been made to collect such protested drafts ; and all other information necessary to a full understanding of the subject.”

There are two protested bills of exchange in this office which were drawn and endorsed by Michael G. Bright and James P. Drake and accepted by A. May, both making \$39,963.

In order to answer the above interrogatories fully, I will give as correct a statement of the matter as I can. In the fall of 1855, I purchased several bills of exchange on New York of Gen. A. May. The object of these bills was to meet January interest, which had to be paid in New York. Gen. May was not only proprietor of a specie paying free bank at the time, but was known to be in possession of a large amount of valuable property, both real and personal, and enjoyed the reputation of an honest man. Besides, these bills were all endorsed by men of undoubted character and large property holders. Michael G. Bright, James P. Drake and Jesse D. Bright were the endorsers on these bills. Gen. May had purchased as I was aware, about \$100,000 of beef cattle, which he assured me would go into New York market, at the farthest, about the 1st of December; when he would have a large amount of eastern exchange, but gave me every assurance that the bills I purchased would be promptly met, if he lost every dollar's worth of his beef; and that he was worth \$150,000 after paying all his debts. But about the last of November his creditors became alarmed and made a general rush upon him. He immediately conveyed his property into the hands of Michael G. Bright and James P. Drake.

He failed to get his beef into market in time, and when it did reach the market he did not realize enough to pay the advances he had obtained upon it. The bills were not met and for a large portion of it, I had to resort to a temporary loan on my individual account. Mr. May and his endorsers, (except Hon. Jesse D. Bright who was at Washington city at the time) substituted new bills for the old ones, payable at the Corn Exchange Bank, New York City, in June, 1856.

The parties seem to feel confident that they could sell property enough to pay these bills by that time, but the cattle which they intended to put into market for this purpose were not put into suitable order to sell for much over half price, and they were not sent east, consequently the bills went to protest.

If there had been no prior liens upon the property conveyed by May to Bright and Drake, the most or all of the bills would have been paid by this time. But thus far it has required the larger amount of the proceeds resulting from sales, to clear the property from previous incumbrances.

But I learn from the parties that these liens are now nearly all paid off, and that in future the assets arising from sales will be exclusively applied to the payment of these bills of exchange. I regard the ultimate payment of these bills as certain.

The parties have ample means in their hands to do it, and all they need is time to convert property into cash. I will here state that it is the duty of the Treasurer of State to buy annually nearly \$400,000 of eastern exchange, and it is impossible, when you pur-

chase a bill, to tell positively whether it will be paid or protested. All you can judge from is the character and responsibility of the parties of whom you buy it.

During the spring and summer of 1855, I bought of Gen. May a number of bills, amounting in all to some \$40 or \$50,000, all of which was promptly paid—and I had the same reason to believe, and felt perfectly confident that the bills bought of him in the fall following, would be met in the same way. It will be remembered that the branches of the State bank, as a general thing, during my term of office, refused to take free bank paper on deposit, or sell exchange for this kind of money; and as a large portion of the revenue, and from some counties all the revenue received, was of free bank currency, I was forced to deposit in free State banks, and also to buy my exchange chiefly from them. But with the exception of Gen. May's bank, which led to the purchase of exchange from him, I have not had the slightest difficulty with any free bank in the State. They always promptly paid my drafts upon them.

When I came into office I receipted to Dr. Newland, my predecessor, as cash at par, for nearly \$7,000 of uncurrent money, also deposits in the broken banks; several times bills of exchange, one of which was protested, besides every thing on his schedule, without one word of objection, believing that he had acted prudently, and that the funds of the office were in as good a condition as perhaps any other person could have had them; and I am confident that the funds of the office are as secure now as they were when I came into office; of this the Legislature will be better prepared to judge when the committees examine the books and schedules which I am preparing. All that I ask is, that my successor receipt for the funds and securities in the office just as they are.

Very respectfully,

W. R. NOFSINGER,

*Treasurer of State.*

Which,

On motion by Mr. Suit,  
Was laid on the table.

Mr. Blair, from the committee on county and township business, made the following report:

**MR. PRESIDENT:**

The committee on county and township business, to whom was referred Senate resolution "instructing the committee to inquire into the expediency of abolishing township assessors," have had the same under consideration, and have instructed me to report that it is inexpedient to legislate on the subject, and ask to be discharged from the further consideration of the subject,

Which was concurred in.

## RESOLUTIONS.

Mr. Heffren offered the following resolution:

*Resolved*, That the Senate will, the House concurring, adopt the following as one of the joint rules of the Legislature: "That it shall be unlawful for the members of the General Assembly when in joint convention, to transact or do any business in said joint convention other than that for which such joint convention shall have been by joint resolution specifically called together; and when such business shall have been completed, said joint convention shall stand adjourned without motion, *sine die*."

Mr. Suit moved to lay the resolution on the table.

The ayes and noes being demanded by senators Heffren and Suit,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Crane, Cravens, Crouse, Freeland, Green, Griggs, Hendry, Hill, Murray, Parker, Rice, Stevens, Suit, Thompson, Weir, and Yaryan—21.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Heffren, Hostetler, Johnston, Kinley, March, Mansfield, Mathes Miller, McCleary, McClure, Richardson, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace and Wilson—24.

So the resolution was not laid on the table.

On motion by Mr. Sage,  
The resolution was referred to the select committee on joint rules.

On motion by Mr. Bearss,

*Resolved*, That when the Senate adjourns, that it stand adjourned till Monday next at 2 o'clock, P. M.

On motion by Mr. Hendry,

*Resolved*, That the committee on education be instructed to inquire into the expedience of increasing the general levy for school purposes, from ten to fifteen cents on the one hundred dollars valuation.

On motion by Mr. Hostetler,

*Resolved*, That the committee on the judiciary be instructed to



inquire whether there is any law now in force authorizing administrators or executors to bring suit before a justice of the peace where the sum in controversy is less than one hundred dollars; and if there is no such law, whether it would not be expedient to enact such a law, and that they report by bill, or otherwise.

On motion by Mr. Crouse,

*Resolved*, That committee on benevolent institutions be requested to inquire into the expediency of authorizing the superintendent of public instruction to allow the amount of one township library to the institution for the education of the deaf and dumb.

On motion by Mr. Tarkington,

*Resolved*, That in distributing public documents, the Doorkeepers be instructed to lay one copy upon the reporter's desk.

On motion by Mr. Parker,

*Resolved*, That the committee on swamp lands be authorized to send for persons and papers.

Mr. Hill offered the following resolution:

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of passing some judicious law to prevent minors from acquiring the habit of using tobacco, and report by bill or otherwise.

Which,

On motion by Mr. Sage,  
Was laid on the table.

On motion by Mr. Kinley,

*Resolved*, That the committee on county and township business be instructed to inquire into the expediency of so amending the present law regulating fees and salaries of county officers, as to make the aggregate of all the fees of the county treasurer, not to exceed one thousand dollars per annum. Also, of repealing that part of the law regulating the duties of county treasurers, requiring them to visit the several townships of the county for the purpose of collecting taxes.

On motion by Mr. Heffren,

*Resolved*, That the committee on finance be instructed to report a bill prohibiting any officer of the State, county or township, (except as now provided by law,) from loaning, directly or indirectly,

any of the moneys of the State to any person, association or incorporation.

On motion by Mr. Bobbs,

*Resolved*, That so much of the Governor's message as relates to the enlargement of the State House square, viz, "by vacating for the distance of one square, the street north of the Capitol, by the purchase of two small lots, and by effecting with the city authorities an arrangement respecting the location of the western market-house, that the same may be enlarged so as to form appropriate public grounds around the Capitol of the State," be referred to the joint committee on public buildings.

Mr. Tarkington moved to take from the table the resolution to expunge that part of the journal of Monday last, relating to the vacating of the seat of the senator from Clark.

Mr. Bearss moved that the Senate now adjourn.

The ayes and noes being demanded by five senators,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cravens, Crouse, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Stevens, Suit, Thompson and Yaryan—21.

*Those who voted in the negative were,*

Messrs. Alexander, Crane, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, Weir, and Wilson—24.

So the motion to adjourn did not prevail.

On motion by Mr. Weir,

A call of the Senate was ordered.

The Secretary proceeded with the call ;

Pending which,

On motion by Mr. Brown,

Mr. Cooper, was excused from the call.

Mr. Weir moved that the further call of the Senate be suspended.

The ayes and noes were demanded by senators Suit and Parker.

The Secretary proceeded with the call,

Whereupon,

Mr. Parker asked to be excused from voting.

The ayes and noes being demanded by senators Suit and Bobbs,

*Those who voted in the affirmative were,*

Messrs. Alexander, Crane, Drew, Fisk, Gooding, Hargrove, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, Wilson and Yaryan—21.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cravens, Crouse, Green, Griggs, Hefren, Hendry, Kinley, March, Murray, Rice, Sage, Stevens, Suit, Thompson and Weir—20.

So the senator was excused.

The secretary completed the call of the ayes and noes,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Chapman, Crane, Drew, Fisk, Gooding, Hargrove, Hefren, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Suit, Tarkington, Wallace, Weir and Wilson—26.

*Those who voted in the negative were,*

Messrs. Blair, Bobbs, Burke, Cravens, Crouse, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Rice, Stevens, Thompson and Yaryan—16.

So the further call of the Senate was suspended.

Mr. Suit moved to lay on the table the motion to take up the resolution to expunge a part of the journal.

The ayes and noes being demanded by senators Suit and Hefren,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cravens, Crouse, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir and Yaryan—22.

*Those who voted in the negative were,*

Messrs. Alexander, Crane, Drew, Fisk, Gooding, Hargrove, Hefren, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace and Wilson—21.

So the the motion to lay on the table, by the vote, prevailed.

The President decided that the name of Mr. Woods, as the senator from Clark county should be called; whereupon he called him, and the said Woods responded "aye" to such call.

And the President announced that the motion to lay on the table did not prevail, by his casting vote.

Mr. Suit appealed from the decision of the chair, on the grounds that the seat of the said Woods was vacated.

Pending the preparation of which appeal,

Mr Tarkington withdrew the motion to take up the resolution to expunge; and,

On motion by Mr. Parker,  
The Senate adjourned.

MONDAY, 2 o'clock, P. M.)  
February 9, 1857.

The Senate met.

The journal of Saturday was read.

#### PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Murray presented a petition from sundry women of the county of Howard, praying for the passage of an efficient law to prevent the evils of intemperance.

Which,

On motion by Mr. Murray.  
Was referred to the committee on temperance.

The President laid before the Senate the following communication and accompanying report:

OFFICE OF THE BANK OF THE STATE OF INDIANA, }  
Indianapolis, February 7, 1857. }

HON. A. A. HAMMOND,

*President of the Senate:*

SIR:—As requested by resolution of Senate, “that the President of the bank of the State of Indiana, be requested to communicate to the Senate, at as early a day as practicable, the names of the original stockholders and their respective amounts of stock on the 1st of January, 1857.” I submit herewith such statements marked A. and B. as appears from the documents on file in this office—the latter statement having reference to the 23d of December last, being the nearest to the 1st of January, 1857, within my power to furnish without a longer delay than would probably meet the wishes of the Senate.

Very respectfully,

H. McCULLOCH, *Pres't.*

Which,

On motion by Mr. Heffren,

Were laid on the table and 200 copies ordered to be printed for the use of the Senate.

RESOLUTIONS.

Mr. Heffren offered the following preamble and resolution :

WHEREAS, It is the true intent and meaning of the constitution of this State that no negro or mulatto shall be elected senator or representative in the General Assembly of this State; AND WHEREAS, the common meaning and acceptation of the term “African,” implies a negro; AND WHEREAS, it appears by a vote as reported in the Indiana State Journal of the 9th inst., among the proceedings of this body by Barton D. Jones, a reporter of said Journal, and admitted upon this floor as reporter by a vote of this Senate; AND WHEREAS, an editorial in said journal says that a certain measure “received the support of every African senator present,” now, therefore,

*Be it resolved*, That the committee on unfinished business are hereby directed to inquire into and report what senator or senators upon this floor are of negro blood or are “African,” and also whether such senators, if any there should be, are eligible under the constitution to hold their seats.

Which,

On motion by Mr. Suit,

Was laid on the table.

On motion by Mr. Crane,

*Resolved*, That the Doorkeeper be, and is hereby instructed to furnish each member of the Senate with one sheet of three cent stamps, and two sheets of one cent stamps immediately.

Mr. Drew offered the following preamble and resolution:

WHEREAS, Serious complaints are being made by the people residing on the Southern sections of the canal, relative to alleged mismanagement on the part of certain officers charged with the care of the canal interest; therefore,

*Resolved*, By the Senate, the House concurring, that a committee of three on the part of each House, be appointed to examine into such alleged mismanagement, and inquire into the grounds of said complaint, and that they be authorized to communicate with such canal officers and other persons as they may deem proper, for the furtherance of the object of the appointment of said committee, and that they report to each House as speedily as possible.

Which were agreed to.

The President appointed senators Drew, Hargrove and Freeland as said committee on the part of the Senate.

On motion by Mr. Sage,

*Resolved*, That the committee on education be instructed to inquire into the expediency of reporting a bill providing by taxation a sufficient fund (with the avails of the permanent fund devoted to that purpose,) to sustain schools throughout the State six months at least, in each year.

On motion by Mr. Tarkington,

*Resolved*, That the committee on the judiciary be respectfully requested to return to the Senate the bill for the appraisement of real estate, without further examination.

Mr. Miller offered the following preamble and resolution:

WHEREAS, It is the duty of the General Assembly of Indiana to do all in its power, consistent with sound policy and right, to lighten the burthen of taxation; AND WHEREAS, The General Assembly as now composed by law, consists of 150 members; AND WHEREAS, A less number would do the business of legislation with more dispatch equally as well, and perhaps better; therefore,

*Resolved*, That it is the sense of the Senate that the number of Representative to the House should be reduced to sixty-six, and of the Senate to thirty-three. <sup>f</sup>

Which was laid on the table by the consent of the Senate.

#### JOINT RESOLUTIONS.

By unanimous consent,  
Mr. Sage introduced

Senate joint resolution No. 4. A joint resolution concerning section 2 of article 2 of the constitution of the State of Indiana.

Which was read a first time and passed to a second reading.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Murray introduced

Senate bill No. 69. A bill for the relief of Isaac Setzer, of Hardin county, Kentucky.

Which was read a first time.

Mr. Murray moved to suspend the rules and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Brown, Burke, Chapman, Crane, Cravens, Crouse, Drew, Fisk, Green, Griggs, Hendry, Hill, Hostetler, Kinley, March, Miller, Murray, McLean, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Wallace, Weir and Yarn—36.

*Those who voted in the negative were,*

Messrs. Gooding, Hargrove, Heffren, Johnston, Mansfield, Mathes, McCleary, McClure, and Wilson—9.

So the rules were suspended and the bill read a second time by its title.

On motion by Mr. Hill,  
The bill was referred to the committee on claims.

By unanimous consent,  
Mr. Suit introduced

Senate bill No. 70. A bill to provide for a subscription to the Indiana statutes, and for the payment thereof.  
Which was read a first time.

Mr. Suit moved to suspend the rules, and read the bill a second time.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Brown, Burke, Chapman, Crane, Cravens, Crouse, Drew, Fisk, Green, Griggs, Hargrove, Heffren, Hendry, Hostetler, Kinley, March, Miller, Murray, McLean, Parker, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Wallace and Yaryan—35.

*Those who voted in the negative were,*

Messrs. Gooding, Hill, Johnston, Mansfield, Mathes, McClure, Richardson, Weir and Wilson—9.

So the rules were suspended and the bill read a second time by its title.

On motion by Mr. Suit,

The bill was laid upon the table, and two hundred copies ordered to be printed for the use of the Senate.

Mr. Hendry introduced

Senate bill No. 71. A bill to amend sections 32 and 33 of an act entitled "An act to provide for the assessment of real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Wallace introduced

Senate bill No. 72. A bill to amend the first section of an act entitled "An act authorizing proceedings to try the right of property seized by virtue of any writ of execution or attachment, and claimed by any person other than the executor or attachment defendant," approved June 10, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Drew introduced

Senate bill No. 73. A bill to provide for the disposition of real



estate of aliens dying, or having died intestate or testate without heirs or devisees capable of taking such real estate by devise or descent.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Parker introduced

Senate bill No. 74. A bill for the relief of Andrew Scott.  
Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Hill introduced

Senate bill No. 75. A bill authorizing the trustees of townships to establish water courses and locate ditches in certain cases.  
Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Slater of Dearborn introduced

Senate bill No. 76. A bill to enable boards of township trustees to purchase, condemn and hold lands for school purposes, to borrow money and to mortgage lands to secure loans.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Bobbs introduced

Senate bill No. 77. A bill to amend an act establishing general provisions respecting corporations; approved June 15, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Bobbs introduced

Senate bill No. 78. A bill to grant the assent of the State of Indiana, to the dissolution of corporations created by General Law.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Tarkington introduced

Senate bill No. 79. A bill to prohibit certain county officers and their deputies from practicing as attorneys at law.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Mansfield introduced

Senate bill No. 80. A bill to amend the 138th section of an act entitled "An act providing for the settlement of decedent's estates, prescribing the rights, liabilities and duties of officers connected with the management thereof and the heirs thereto, and certain forms to be used in such settlements.

Which was read a first time, and passed to a second reading.

By unanimous consent,  
Mr. Heffren introduced

Senate bill No. 81. A bill preventing the willing and bequeathing to any benevolent, charitable or other institution, by any person, of more than a certain amount of property.

Which was read a first time, and passed to a second reading.

By unanimous consent,  
Mr. Cravens introduced

Senate bill No. 82. A bill in relation to conveyances and devises of personal and real estate for religious purposes.

Which was read a first time, and passed to a second reading.

By unanimous consent,  
Mr. Griggs introduced

Senate bill No. 83. A bill declaratory of the meaning of an act entitled "An act regulating the fees of officers, and repealing former acts in relation thereto; approved March 2, 1855.

Which was read a first time and passed to a second reading.

On motion by Mr. Wallace,

The order of business was suspended and Senate bill No. 41, was taken from the table and placed on file.

Mr. Hendry moved a call of the Senate.

The Secretary proceeded with the call;  
Pending which,

On motion by Mr. Brown,  
Senators Cooper and Weston were excused from the call.

On motion by Mr. Murray,  
The further call of the Senate was suspended.

On motion by Mr. Wallace,

The Senate resolved itself into a committee of the whole to consider

Senate bill No. 41. A bill providing for the uniform mode of doing township business.

Mr. Murray in the chair.

After spending some time in the consideration of the bill, the committee rose, reported progress, and asked leave to sit again.

Which was granted.

On motion by Mr. Murray,

The Senate adjourned.

TUESDAY MORNING, 9 o'clock,  
February 10, 1857. }

The Senate met.

The journal of the preceding day was read.

#### PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Hargrove presented the petition of sundry citizens of Gibson county praying the passage of a law authorizing the collection of interest on money at the rate of ten per cent.

Which,

On motion by Mr. Hargrove,  
Was referred to the committee on finance.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Yaryan, chairman of the committee on the organization of courts, made the following report:

MR. PRESIDENT :

The committee on the organization of courts, to whom was referred a resolution enquiring into the expediency of passing a law making recorders and auditors fees operate as a lien upon the lands on which the fees have accrued, have had the same under consideration, and ordered me to report that it is inexpedient to legislate upon the subject, and recommend its indefinite postponement.

Which was concurred in.

## RESOLUTIONS.

Mr. Sage offered the following preamble and resolution :

WHEREAS, Governor Joseph A. Wright in his message delivered before the House of Representatives on the 9th ultimo, makes mention of sundry reports and documents by him then submitted including which is a list of fines and pardons ;

AND WHEREAS, It may be important that the contents of these papers be made known to this Senate ; therefore,

*Resolved*, That two hundred copies of each be printed immediately and laid upon the desk of each senator.

Which was agreed to.

On motion by Mr. McClure,

*Resolved*, That the committee on county and township business inquire into the expediency of so changing the present law as to dispense with the services of township clerks and township treasurers, and require the duties now performed by said officers, to be performed by the trustees of the townships.

On motion by Mr. Rice,

*Resolved*, That the committee on the organization of courts be instructed to inquire into the expediency of so amending the present law in relation the sale of real estate on execution, as to allow the execution defendant twelve months time in which to redeem, by refunding the purchase money, all costs, and ten per centum in damages, and report by bill or otherwise.

## JOINT RESOLUTIONS.

Mr. Fisk introduced,

Senate Joint Resolution No. 5. A joint resolution in relation to printing the revised statutes in German.

Which was read a first time and passed to a second reading.

## BILLS INTRODUCED.

By unanimous consent,  
Mr. Johnston introduced

Senate bill No. 84. A bill to amend an act regulating the fees of officers and repealing former acts in relation thereto.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Richardson introduced

Senate bill No. 85. A bill to amend section 156 of article 9, chapter 7, Revised Statutes of 1852, entitled "attachments."  
Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Hargrove introduced.

Senate bill No. 86. A bill to amend the 11th section of "an act to provide for the erection and repair of bridges," and to repeal an act entitled "an act to provide for the erection and repair of bridge;" approved May 12, 1852; approved March 3, 1855.  
Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Hefiren introduced,

Senate bill No. 87. A bill for the investment and safe-keeping of the school fund arising from the 114th section of an act establishing a State bank; approved January 28th, 1854.  
Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Alexander introduced

Senate bill No. 88. A bill to enable men whose wives are insane to convey real estate.  
Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Griggs introduced

Senate bill No. 89. A bill to provide for taking an enumeration of the voters of a county upon a petition for a relocation of the county seat.  
Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

The Senate again resolved itself into committee of the whole to further consider

Senate bill No. 41. A bill to provide for a more uniform mode of doing township business.

Mr. Murray in the chair.  
S. J.—21.

After spending some time in the consideration of the bill, the committee rose, reported progress, and asked leave to sit again. Which was granted.

By unanimous consent,  
The rules were suspended, and  
Mr. Griggs offered the following resolution :

*Resolved*, That if there are more witnesses required to be subpoenaed to attend before the investigating committee of this body, than the Seargeant-at-Arms can properly subpoena, then he shall notify such committee of that fact who may if they deem it necessary authorize him to employ a suitable assistant, whilst there is an actual necessity for such assistant, and that the chairman of such committee shall report to this body, the time consumed and the distance traveled by such assistant and the expenses attending the same.

Pending the consideration of which,  
On motion by Mr. McLean,  
The Senate adjourned.

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2 O'CLOCK, P. M.

The Senate met.

The pending question at adjournment was the consideration of the resolution of the senator from Morgan, empowering the committee to authorize the Sergeant-at-Arms to employ assistants.

The question then being shall the resolution be adopted ?  
It was agreed to.

#### SPECIAL ORDER.

The hour having arrived for the consideration of

Senate bill No. 44. A bill to amend an act entitled "An act concerning the interest on money;" approved May 27th, 1852.

On motion by Mr. Murray,

The further consideration of the bill was postponed until Tuesday next at 2 o'clock, P. M.

On motion by Mr. Murray,

The Senate again resolved itself into committee of the whole for further consideration of Senate bill No. 41.

After spending a short time in the consideration of the bill, the committee rose, and through their chairman, made the following report :

MR. PRESIDENT :

The committee of the whole Senate, to whom was referred Senate bill No. 41. A bill providing for the uniform mode of doing township business, have had the same under consideration, and have directed me to report it back with the following amendments, and when so amended recommend its passage.

Amend by adding to sec. 1, after the word "number," in the fourth line of the printed bill, the word "names," so it will read "number, names and boundaries."

By striking out in sec. 5, from the fourth and fifth line of the printed bill, the words "a justice of the peace of the proper township," and insert "some person authorized to administer oaths." Also, by striking out from same section, from the last line of the printed bill, the words, "board of county commissioners," and insert the words "county auditor, which bond shall remain on file in the office of the auditor."

Amend by striking out from sixth line of same section, the word "one," and insert the word "two," before the words "thousand dollars."

Amend sec. 6, second clause, by striking out said clause, and inserting the following, viz :

"*Second*—To issue demands upon the county auditor, who shall issue his warrant on the county treasurer in favor of said trustees, and file said account, and report the same to the board of county commissioners, on settlement by said trustees with the board of county commissioners."

Amend section 6, third clause, by striking out the words "and have the same always open," so that it will read

*Third*.—To keep an office for the transaction of township business.

Amend. also, by striking out tenth clause from sec. 6.

Amend the eleventh clause of sec. 6, by inserting after the word "boundaries," the words "and number," so as to read "boundaries and number of each district."

Amend sec. 7 by striking from said section all between the word

"trustee," in the first line, and the word "shall," in the second line.

Amend sec. 9 by striking out from the second and third lines the words "township trustees," and insert "county auditor," as provided in the second clause of the 6th section of the bill.

Amend section 11 by striking out of said section second and third lines, the words "in the month of February," and insert the words "on the second Monday of May."

Amend section 12 by striking out all that relates to justice of the peace, and by making the section read as follows, viz:

SEC. 12. The trustee shall receive for his services such amount as may be determined by the board of county commissioners, not exceeding the sum of ten dollars per quarter, the same to be paid quarterly by the county treasurer out of the funds of the proper township of such trustee.

Amend section 13 by striking out from first line the word "treasurer," and insert "auditor;" also, by striking out from the sixth line the word "order" and insert "account," and the word "treasurer" where it occurs in the same line, and insert "auditor."

Amend section 15 by striking out from the second line the word "clerk," and insert the word "trustee;" also by striking out from the third line the word "trustees" and insert "trustee."

Amend section 16 by adding after the word "act" in first line, the words "after having accepted such office." Also, by adding the following additional section:

SEC. 17. Whenever in this act, the concurrence of the board of county commissioners with the township trustee is provided for, the concurrence or the refusal to concur, shall be entered on the order book of said board, and in the record of proceedings required to be kept by the trustee. Also, amend by adding the following additional section:

SEC. 18. The township trustee shall in no case have any power to make any change, vacate or open any highway in any township in any county, but such power shall be vested in the board of county commissioners of the county.

Amend, also, by adding the following additional section:

SEC. 19. The act entitled "An act for the more uniform mode of doing township business," approved May 6, 1852, is hereby repealed.

The report was concurred in, the committee discharged, the amendments all adopted except that proposed to section 5, to strike out "one" and insert "two" before the word "thousand," which was not agreed to.

On motion by Mr. Murray,

The bill was referred to the committee on county and township business.



## HOUSE BILLS ON THIRD READING.

House bill No. 51. A bill to provide for, and regulate the inspection of tobacco throughout the State of Indiana.

Was read a third time.

The question being shall the bill pass,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Bobbs, Brown, Burke, Chapman, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Green, Griggs, Hargrove, Heffren, Hendry, Hill, Hostetler, Johnston, March, Mansfield, Mathes, Miller, Murray, McClure, McLean, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Wilson and Yaryan—41.

Mr. Kinley, voting in the negative.

So the bill passed.

*Ordered,* That the secretary inform the House thereof.

## SENATE BILLS ON THIRD READING.

Senate bill No. 4. A bill to authorize the appointment of some person to hold the common pleas court in case of the absence or sickness of the judge.

Was read a third time.

The question being shall the bill pass,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Brown, Burke, Chapman, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Green, Griggs, Hargrove, Heffren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Mathes, Miller, Murray, McCleary, McClure, McLean, Parker, Richardson, Rice, Rugg, Sage, Stevens, Tarkington, Thompson, Wallace, Wilson and Yaryan—40.

No senator voting in the negative.

So the bill passed.

*Ordered,* That the secretary inform the House thereof.

Senate bill No. 56. A bill to provide for the relief and support

of married women when deserted by their husbands, and children when deserted by their parents, by the sale of the property.

Was read a third time.

The question being shall the bill pass,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Crane, Crouse, Drew, Ensey, Fisk, Freeland, Green, Griggs, Hendry, Hill, Hostetler, Johnston, March, Miller, Murray, McLean, Richardson, Rice, Rugg, Sage, Stevens, Suit, Tarkington, Thompson, Wallace, Wilson and Yaryan—32.

*Those who voted in the negative were,*

Messrs. Brown, Heffien, Mansfield, Mathes and McClure—5.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Senate bill No. 50. A bill to amend an act to incorporate the Clay Cotton Mills; approved Feb. 15, 1848.

Was read a third time.

The question being, shall the bill pass,

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Bobbs, Brown, Burke, Chapman, Crane, Crouse, Drew, Ensey, Freeland, Green, Hargrove, Heffren, Hill, Hostetler, Johnston, March, Mansfield, Mathes, Miller, Murray, McCleary, Parker, Richardson, Rice, Rugg, Sage, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Wallace, Weir and Yaryan—36.

*Those who voted in the negative were,*

Messrs. Hendry and Kinley—2.

So the bill passed.

*Ordered*, That the secretary inform the House thereof.

Senate bill No. 37. A bill to amend the first section of an act entitled "An act to amend the charter of Indianapolis and Bellefontaine Railroad Company." passed Jan., 1850.

Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Burke, Chapman, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Green, Hargrove, Heffren, Hendry, Hill, Hostetler, Johnston, March, Mansfield, Mathes, Murray, McClure, McLean, Parker, Richardson, Rice, Rugg, Sage, Slater of Johnson, Stevens, Suit, Thompson, Wallace, Weir, Wilson and Yaryan—39.

Mr. Kinley voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Senate bill No. 2. A bill to amend the 18th and 19th sections of an act entitled "An act prescribing the powers and duties of justices of the peace in State prosecutions;" approved May 24th, 1852.

Was read a third time.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Crane, Cravens, Crouse, Freeland, Green, Griggs, Heffren, McLean, Rice, Rugg, Sage, Stevens, Tarkington, Weir and Yaryan—20.

*Those who voted in the negative were,*

Messrs. Alexander, Drew, Ensey, Fisk, Hargrove, Hendry, Hill, Johnston, Kinley, March, Mansfield, Mathes, Murray, McClure, Richardson, Slater of Johnson, Suit, Thompson, Wallace and Wilson—20.

So the bill did not pass.

Senate bill No. 28. A bill to enable assignees of school land certificates to obtain deeds when the assignment has not been acknowledged.

Was read a third time.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Heffren, Hendry, Hill, Hostetler, Kinley, March, Miller, Rice, Rugg, Sage, Stevens, Suit, Thompson and Weir—26.

*Those who voted in the negative were,*

Messrs. Alexander, Fisk, Hargrove, Johnston, Mansfield, Mathes, Murray, McClure, Richardson, Slater of Dearborn, Slater of Johnson and Wallace—12.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Senate bill No. 36. An act to provide for a change of venue on account of the prejudice of the presiding judge.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Green, Griggs, Hargrove, Hendry, Hill, Hostetler, Johnston, Kinley, Mansfield, Miller, Murray, Richardson, Rice, Rugg, Sage, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Wallace and Weir—33.

*Those who voted in the negative were,*

Messrs. Alexander, Freeland, Heffren, Mathes, McClure and Wilson—6.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

#### SENATE JOINT RESOLUTIONS ON THIRD READING.

Senate joint resolution No. 3. A joint resolution authorizing the superintendent of public instruction to distribute the balance of the school funds in the treasury, and directing the proper officers to disburse the same.

Was read a third time.

By unanimous consent,

Mr. Bobbs offered the following amendment to the joint resolution:

By adding in the proper place, "that the auditor and treasurer shall each receive one per cent. for auditing and disbursing the same, and no other compensation whatever."

Which was unanimously adopted.

The question being shall the joint resolution pass ?

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Burke, Chapman, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Green, Griggs, Hargrove, Heffren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Mathes, Miller, Murray, McClure, McLean, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Weir, Wilson and Yaryan—43.

No Senator voting in the negative.

So the joint resolution passed.

*Ordered,* That the Secretary inform the House thereof.

Senate joint resolution No. 1. A joint resolution on the subject of printing the Statutes.

Was read a third time.

The question being, shall the joint resolution pass ?

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Burke, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Green, Griggs, Hargrove, Heffren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Mathes, Miller, Murray, McLean, Parker, Richardson, Rice, Rugg, Sage, Stevens, Suit, Tarkington, Thompson, Wallace, Weir, Wilson and Yaryan—40.

Mr. McClure voting in the negative.

So the joint resolution passed.

*Ordered,* That the Secretary inform the House thereof.

On motion by Mr. Suit,  
Mr. Brown was granted leave of absence.

Senate bill No. 52. A bill touching the German Revised Statutes of 1852.

Was read a third time.

Mr. Weir moved to recommit the bill with instructions to so amend "that the German Revised Statutes shall be distributed to the clerks of the various counties *pro rata*., at the time other laws are distributed, and that the said clerks may distribute the same gratuitously to such Germans as can read them."

On motion by Mr. McLean,  
The motion to recommit the bill and pending instructions were laid on the table.

Mr. Griggs moved to recommit the bill with instructions to so amend as "to authorize county clerks to exchange the German Revised Statutes when distributed, for bibles and religious tracts to christianize the heathen."

Mr. Weir moved to further instruct the committee to amend "so as to allow each member of the General Assembly to distribute as many of the German Revised Statutes as may suit his convenience, at his own expense."

On motion by Mr. Heffren,  
The motion to recommit, and pending instructions, were laid on the table.

The question being shall the bill pass,

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Fisk, Hargrove, Heffren, Hostetler, Johnston, March, Mansfield, Mathes, Miller, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, Weir and Wilson—21.

*Those who voted in the negative were,*

Messrs. Bearss, Bobbs, Burke, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, and Yaryan—21.

So the bill did not pass.

On motion by Mr. Griggs,  
The Senate adjourned.

WEDNESDAY MORNING, 9 O'CLOCK,  
February 11, 1857. }

The Senate met.

The journal of the preceding day was read.

PETITIONS, MEMORIALS, AND REMONSTRANCES.

Mr. Murray introduced a petition from sundry citizens of Howard county, praying the passage of an efficient law for the suppression of the liquor traffic.

Which,

On motion by Mr. Murray,  
Was referred to the committee on temperance.

REPORTS FROM STANDING COMMITTEES.

Mr. Murray from the committee on claims, made the following report:

MR. PRESIDENT :

The committee on claims, to whom was referred Senate bill No. 69, "a bill for the relief of Isaac Litzer of Hardin county, Kentucky," have had the same under consideration, and have directed me to report the same back with an amendment, and when so amended, to recommend its passage; amend by striking out the words "out of any moneys in the treasury not otherwise appropriated," and insert "out of the fund to which the said money in the preamble hereto has been applied."

The bill and proposed amendments contained in the foregoing report, were laid on the table.

RESOLUTIONS.

Mr. Weir offered the following preamble and resolution :

WHEREAS, A large number of copies of the statutes of this State are now on hand, which to all intents and purposes are useless except for the use of our German citizens, from the fact that the same are printed in the German language; therefore,

*Resolved*, That each member of the Senate be allowed to distribute as many copies of the same as he may see fit, provided that the same shall be done without expense to the State.

Which was agreed to.

Mr. McClure offered the following resolution :

*Resolved*, That the committee on organization of courts of justice be instructed to report a bill organizing the districts for courts of common pleas so as to diminish the number of common pleas judges one-half, and correspondingly increase the size of the common pleas districts.

Mr. Kinley moved to amend the resolution by striking out from the resolving clause, and inserting a resolution instructing the committee to report a bill abolishing the courts of common pleas.

Mr. Rugg moved to amend the amendment by striking from the resolving clause and insert, "that the committee on the organization of courts report a bill to reduce the common pleas districts one half, and to give the judges one thousand dollars per annum, to take effect at the expiration of the present term of service of the judges."

On motion by Mr. McLean,  
The amendment to the amendment was laid on the table.

Mr. Johnston moved to lay the resolution and pending amendment on the table.

A division of the question being demanded,

The question was, shall the amendment to the resolution lay on the table ?

The ayes and noes being demanded by senators Kinley and Slater of Dearborn,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Crouse, Drew, Ensey, Fisk, Green, Hargrove, Heffren, Hendry, Hostetler, Johnston, March, Mansfield, Mathes, Miller, Murray, McCleary, McClure, Parker, Richardson, Rice, Rugg, Slater of Dearborn, Slater of Johnston, Stevens, Suit, Tarkington, Thompson and Weir—37.

*Those who voted in the negative were,*

Messrs. Cravens, Freeland, Griggs, Hill, Kinley, McLean, Sage, Wilson and Yaryan—9.

So the amendment was laid on the table.

The question recurred on laying the resolution on the table.



The ayes and noes being demanded by senators Weir and Tarkington,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Burke, Crouse, Drew, Ensey, Green, Hendry, Hill, Johnston, March, Mathes, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Thompson, Weir and Yaryan—24.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Chapman, Cooper, Cranc, Cravens, Fisk, Freeland, Griggs, Hargrove, Hefiren, Hostetler, Kinley, Mansfield, Miller, Murray, McCleary, McClure, McLean, Tarkington, and Wilson—22.

So the resolution was laid on the table.

Mr. Parker offered the following resolution:

*Resolved*, That the committee on the organization of courts be instructed to inquire into the expediency of abolishing the court of common pleas, establishing a surrogate court for the transaction of probate business, and of increasing the number and terms of the circuit courts.

The ayes and noes being demanded by senators Hostetler and Tarkington,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Chapman, Cranc, Cravens, Drew, Ensey, Fisk, Freeland, Griggs, Hargrove, Hefiren, Hill, Hostetler, Kinley, March, Mansfield, Murray, McCleary, McClure, McLean, Parker, Rice, Sage, Suit, Tarkington, Thompson, Weir, Wilson and Yaryan—32.

*Those who voted in the negative were,*

Messrs. Brown, Burke, Cooper, Crouse, Green, Hendry, Johnston, Mathes, Miller, Richardson, Rugg, Slater of Dearborn, Slater of Johnson and Stevens—14.

So the resolution was adopted.

On motion by Mr. Stevens,

*Resolved*, That the committee on finance be instructed to report a bill requiring each county to pay all charges incurred in pursuing

and returning fugitives from justice to the county where the offense was committed, and that the county commissioners shall decide upon all claims of that kind.

On motion by Mr. Bobbs,

*Resolved*, That so much of the Governor's message as relates to a House of Refuge, be referred to a committee on benevolent institutions.

On motion by Mr. Kinley,

*Resolved*, That the committee on county and township business be instructed to inquire into the expediency of providing by law for distributing annually to each of the township libraries, a cheaply bound copy of all the public documents of the State, and report by bill or otherwise.

#### JOINT RESOLUTIONS.

By unanimous consent,  
Mr. Crane introduced

Senate joint resolution No. 6. A joint resolution to authorize the Superintendent of Public Instruction to furnish the penitentiary with one township library.

Which was read a first time and passed to a second reading.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Sage introduced

Senate bill No. 90. A bill prescribing the mode under which insurance companies incorporated under the laws of this State, shall do business in this State, and providing for the security of policy holders within this State, in such insurance companies.

Which was read a first time.

Mr. Burke moved to suspend the rules and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Green, Griggs, Hargrove, Heffren, Hendry, Hill, Hostetler,

Johnston, Kinley, March, Mansfield, Mathes, Murray, McCleary, McClure, McLean, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Wallace, Weir Wilson and Yaryan—46.

No senator voting in the negative,

So the rules were suspended and the bill read a second time by its title.

On motion by Mr. Sage,  
The bill was referred to the committee on corporations.

By unanimous consent,  
The order of business was suspended, and,

Mr. Yaryan offered the following preamble and resolutions :

WHEREAS, The State printing and binding, under the law now in force, are enormously expensive to the people of the State; AND WHEREAS, Rumor says that impositions in the way of charges, measurement, &c., have been and are being practiced upon the State in and about the same; AND WHEREAS, There is reason to believe that the said printing and binding are, and can be done as well as it is now executed at a reduction of from twenty to fifty per cent. below prices now paid, whereby a saving to the tax payers of the State can be made of thousands of dollars annually; therefore, be it

*Resolved*, That the committee on printing be instructed to inquire into such rumor and charges; and for that purpose, that they be authorized to send for persons and papers.

*Resolved, further*, That said committee inquire into the expediency of repealing the present law on the subject of public printing and the enactment of one which will open the door to fair competition, and sale of the same to the lowest bidder, and that they report by bill, or otherwise.

Mr. Heffren moved to amend the resolution by striking out "with power to send for persons and papers."

Which was not agreed to.

The question recurred on the adoption of the resolution.

The ayes and noes being demanded by senators Bearss and Heffren,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Burke, Chapman,

Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Green, Griggs, Hargrove, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Mathes, Miller, Murray, McCleary, McClure, McLean, Parker, Richardson, Rice, Rugg, Sage, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Wallace, Weir, Wilson and Yaryan—44.

*Those who voted in the negative were,*

Messrs. Brown, Heffren and Slater of Dearborn—3.

So the resolution was adopted.

By unanimous consent,  
Mr. Heffren introduced

Senate bill No. 91. A bill to provide for the safe keeping of the public money, and of bonds and other securities entrusted to the care of certain officers.

Which was read a first time.

Mr. Heffren moved to suspend the rules and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Green, Hargrove, Heffren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Mathes, Miller, Murray, McClure, McLean, Parker, Richardson, Rice, Rugg, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Wallace, Weir, Wilson and Yaryan—42.

*Those who voted in the negative were,*

Messrs. Blair, and Freeland—2.

So the rules were suspended and the bill read a second time by its title.

Mr. Johnston moved to amend the bill by striking out the emergency clause.

Which was not agreed to.

On motion by Mr. Heffren,  
The bill was referred to the committee on finance.

By unanimous consent,  
Mr. Weir introduced

Senate bill No. 92. A bill to empower the common councils of incorporated cities to compel owners of property to build and keep in repair side-walks, and supplemental to an act entitled "an act for the incorporation of cities," approved June 18, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,

Mr. Hill introduced

Senate bill No. 93. A bill to prevent betting on elections, and providing punishment for the same.

Which was read a first time and passed to a second reading.

By unanimous consent,

Mr. Wallace introduced

Senate bill No. 94. A bill prohibiting corporations and associations, other than regular banking corporations, from issuing bills or notes for general circulation.

Which was read a first time.

Mr. Weir moved to suspend the rules and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Brown, Burke, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Mathes, Miller, Murray, McClure, McLean, Richardson, Rice, Rugg, Sage, Stevens, Tarkington, Thompson, Wallace, Weir and Yaryan—34.

*Those who voted in the negative were,*

Messrs. Blair, Chapman, Freeland, Green and Hargrove—5.

So the rules were suspended and the bill read a second time by its title.

On motion by Mr. Weir,

The bill was referred to the committee on corporations.

Mr. Hendry moved to suspend the rules, and that Senate bill No. 71, a bill to amend sections 32 and 33 of an act entitled "an act to provide for the assessment of real and personal property, and the collection of taxes, in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors," be read a second time now.

S. J.—22.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Bearss, Bobbs, Burke, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Green, Hargrove, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Mathes, Miller, Murray, McClure, McLean, Richardson, Rice, Rugg, Sage, Stevens, Tarkington, Thompson, Wallace, Weir, Wilson and Yaryan—35.

Mr. Blair voting in the negative.

So the rules were suspended and the bill read a second time by its title.

On motion by Mr. Hendry,

The bill was referred to the select committee heretofore appointed on the subject of taxing railroad property.

On motion by Mr. Tarkington,

The order of business was suspended and Senate bill No. 63 was taken up and placed on file.

On motion by Mr. Murray,

The bill was made the special order for to-morrow at 2 o'clock, P. M., in committee of the whole.

On motion by Mr. Freeland,

Senators Cooper and Fisk were added to the select committee on the subject of the practice of medicine and surgery.

#### ORDERS OF THE DAY.

#### *Senate Bills on Second Reading.*

Senate bill No. 49. A bill to amend an act entitled "an act regulating descents and the apportionment of estates," approved May 14, 1852.

Was read a second time, and,

On motion by Mr. Weir,

Referred to the committee on the judiciary.

Senate bill No. 62. A bill to amend the 3d section of "an act to regulate the title of all those who purchased swamp lands of the United States after the date of the donation and before the selection of swamp lands by the State of Indiana;" approved March 5, 1855.

Was read a second time and ordered to be engrossed.

Senate bill No. 64. A bill to amend section 1st of an act entitled "An act to change the time of holding courts in the eleventh judicial circuit," approved March 3d, 1855.

Was read a second time.

Mr. Murray moved to refer the bill to a select committee of five, composed of senators from the 11th judicial circuit.

The President appointed senators Murray, Bearss, Suit, Chapman and March, said select committee.

Senate bill No. 65. A bill to amend sections 23 and 128 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Was read a second time and ordered to be engrossed.

Senate bill No. 67. A bill to repeal sec. 9 of an act entitled "An act to enforce the 13th article of the constitution by providing a penalty for the importation of negroes and mulattoes in the State of Indiana, contrary to the provisions thereof."

Was read a second time.

On motion by Mr. Kinley,

The bill was amended by adding the following section :

Sec. —. Any negro or mulatto who shall be known to use his ordinary powers of locomotion, so as to transfer himself from one place to another within this State, without the consent of the nearest slaveholder, either in principal or practice, within or without the State, he, the said negro or mulatto, shall, without trial or delay be hung by the neck to the nearest tree, until he is stone dead.

The bill as amended was ordered to be engrossed.

Senate bill No. 68. A bill to amend the 14th section of an act entitled "An act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof."

Was read a second time; and,

On motion by Mr. Hendry,

Referred to the committee on judiciary.

#### HOUSE BILLS ON SECOND READING.

House bill No. 95. A bill to provide for the safe keeping of the

public money, and of bonds, and other securities entrusted to the care of certain officers.

Was read a second time.

On motion by Mr. Alexander,  
The bill was amended by adding the followsng section :

Sec. 2. That the Treasurer of State shall not deposit the funds of the State or any part thereof, or any moneys, securities or property of the State, in his keeping or under his control, by virtue of his office, with any bank, banking association, person or persons, nor loan, nor put the same out of his possession, to or with such bank association, person or persons, for profit or otherwise, without the express consent previously obtained in writing of the Governor of the State, the Auditor of State and the Attorney General, or a majority of them, including the Governor, on pain of the punishment aforesaid.

Also to so change the number of sections, so as the correspond with the aforesaid amendment.

On motion by Mr. Suit,  
The first section of the bill was amended by striking out therefrom the words "in any way whatever."

On motion by Mr. Heffren,  
The bill was referred to the committee on finance.

House bill No. 108. An act authorizing the appointment of special administrators and prescribing their duties in certain cases.

Was read a second time, and,

On motion by Mr. Yaryan,  
Referred to the committee on judiciary.

By unanimous consent,  
The order of business was suspended, and  
On motion by Mr. Sage,

*Resolved*, That a committee of three be appointed to examine the books of the Agent of State and report the result of such investigation.

The president appointed senators Sage, Suit and Alexander as said select committee.

By unanimous consent,  
The order of business was suspended, and  
Mr. Green offered the following resolution :

*Resolved*, That when the Senate adjourns, that it stand adjourned till to-morrow morning at 9 o'clock.



Mr. Slater of Dearborn moved to lay the resolution on the table.

The ayes and noes being demanded by senators Wallace and Slater of Dearborn,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Fisk, Hargrove, Heffren, Johnston, Mansfield, Mathes, Miller, McClure, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace and Wilson—16.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Tarkington, Thompson and Yaryan—24.

So the motion to lay on the table did not prevail.

Mr. Slater of Dearborn moved that the Senate now adjourn.

The ayes and noes being demanded by five senators,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Fisk, Hargrove, Heffren, Johnston, Mansfield, Mathes, Miller, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace and Wilson—18.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson and Yaryan—24.

So the motion to adjourn did not prevail.

On motion by Mr. Slater of Dearborn,  
A call of the Senate was ordered.

The Secretary proceeded with the call ;  
Pending which,

Mr. Freeland moved to suspend the further call of the Senate.

The ayes and noes were demanded by senators Heffren and Slater of Dearborn,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Chapman, Cooper, Crane, Crevens, Crouse, Ensey, Freeland, Green, Hendry, Hill, Kinley, March, Mansfield, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson and Yaryan—26.

*Those who voted in the negative were,*

Messrs. Brown, Fisk, Hargrove, Heffren, Johnston, Mathes, Miller, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace and Wilson—16.

So the further call was suspended.

Mr. Slater of Dearborn moved that the Senate now adjourn.

The ayes and noes being demanded by five senators,

*Those who voted in the affirmative were,*

Messrs. Brown, Fisk, Hargrove, Heffren, Johnston, Mansfield, Mathes, Miller, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace and Wilson—17.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Hendry, Hill, Kinley, March, Parker, Rice, Sage, Stevens, Suit, Thompson and Yaryan—23.

So the motion to adjourn did not prevail.

Mr. Yaryan moved the previous question,  
Which was seconded by the Senate.

The question then being, shall the main question be now put?

The ayes and noes being demanded by senators Heffren and Slater of Dearborn,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Hendry, Hill, Kinley, March, Parker, Rice, Sage, Stevens, Suit, Thompson and Yaryan—23.

*Those who voted in the negative were,*

Messrs. Fisk, Hargrove, Johnston, Mathes, Miller, McClure, McLean, Richardson, Rugg, Tarkington, Wallace and Wilson—12.

So it was agreed that the main question should be now put.

The question then being, shall the resolution be adopted?

The ayes and noes being demanded by senators Slater of Dearborn and Richardson,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Hendry, Hill, Kinley, March, Parker, Rice, Sage, Stevens, Suit, Thompson and Yaryan—24.

*Those who voted in the negative were,*

Messrs. McLean, Rugg, Tarkington and Wallace—4.

No quorum being present, the resolution was not adopted.

On motion by Mr. Tarkington,  
A call of the Senate was ordered.

The Secretary proceeded with the call,  
Whereupon, it being found that 34 senators were present,

On motion by Mr. Sage,  
The further call was suspended.

The question being, shall the resolution be adopted?

The ayes and noes being demanded by senators Slater of Dearborn and Heffren,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Hendry, Hill, Kinley, March, Parker, Rice, Stevens, Suit, Thompson and Yaryan—22.

*Those who voted in the negative were,*

Messrs. Fisk, Hargrove, Johnston, McClure, McLean, Richard-

son, Sage, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace and Wilson—12.

So the resolution was adopted.

On motion by Mr. McLean,  
The Senate adjourned.

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THURSDAY MORNING, 9 o'clock,  
February 12, 1857.

The Senate met.

The journal of the preceding day was read.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to present, for your signature the following enrolled bill thereof :

No. 51. An act to provide for, and regulate the inspection of tobacco throughout the State of Indiana.

The President signed the bill.

#### PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Chapman introduced a petition from sundry citizens of Huntington county, praying the repeal of the law regulating liens on water crafts.

Which,

On motion by Mr. Chapman,  
Was referred to the committee on finance.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Richardson, from the committee on finance, made the following report:

MR. PRESIDENT :

The committee on finance, to whom was referred resolution No. 22, inquiring into the expediency of assessing a tax of one cent per acre on real estate, in lieu of all other taxes, for road purposes, have had the same under consideration and have instructed me to report that it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration of the same.

Which was concurred in.

Mr. Cravens, from the committee on finance, made the following report :

MR. PRESIDENT :

The committee on finance, to which was referred Senate resolution No. 37, instructing the committee to inquire into the expediency of amending the laws upon the subject of interest on money, have had the same under consideration and instruct me to report it inexpedient to inquire further into the matter, inasmuch as bills upon that subject are now before the Senate, and ask to be discharged from its further consideration.

Which was concurred in.

Mr. Rice, from the committee on finance, made the following report :

MR. PRESIDENT :

The committee on finance, to whom was referred a resolution of the Senate, instructing said committee to inquire into the expediency of reporting a bill providing that the bonds filed with the auditor of State for the security of the bill holder, and passed from his hands otherwise than as the law directs, be subject to attachment by the proper authorities, have had the same under consideration, and have instructed me to report that further legislation upon said subject is inexpedient, and asked to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. March, chairman of the committee on finance, made the following report :

MR. PRESIDENT :

The committee on finance, to whom was referred the petition of James T. Embree and others, citizens of the county of Gibson, asking an increase in the rate of interest, have had the same under

consideration, and, inasmuch as there is a bill for the increase of the rate of interest pending in the Senate, and a bill having the same object has passed the House, I am instructed to report the same back and ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Crouse, from the committee on corporations, made the following report :

MR. PRESIDENT :

The committee on corporations, to whom was referred Senate bill No. 34, a bill prohibiting corporations and associations, other than banking corporations, from issuing bills or notes for general circulation, have had the same under consideration and have instructed me to report it back to the Senate with the following amendment :

Amend so as to include individuals as well as corporations and associations ; and when so amended recommend its passage.

The report was concurred in and the amendment adopted.

On motion by Mr. Weir,  
The bill was laid on the table.

Mr. Tarkington, from the committee on banks, made the following report :

MR. PRESIDENT :

The committee on banks, to whom was referred the report of H. O. Talbott, former Auditor of State, in relation to the Gramercy and Shawnee banks, and the reports of the branch banks of the State of Indiana at Richmond and Evansville, have had the same under consideration, and have directed me to report the same back and recommend that said reports lie on the table.

Which was concurred in.

Mr. Cravens, from the committee on banks, made the following report :

MR. PRESIDENT :

The committee on banks, to which was referred Senate resolution No. 10, has had the same under consideration and direct me to report, that bills on the same subject are now pending in the Senate, and ask to be discharged from its further consideration.

Which was concurred in.

Mr. Blair, from the committee on county and township business, made the following report:

MR. PRESIDENT :

The committee on county and township business, to whom was referred Senate bill No. 41, entitled "an act providing for the uniform mode of doing township business," have had the same under consideration, and a majority of the committee have directed me to report it back and recommend that it be indefinitely postponed.

On motion by Mr. Blair,  
The bill was laid on the table.

#### REPORTS FROM SELECT COMMITTEES.

Mr. Burke, chairman of a select committee, made the following report:

MR. PRESIDENT :

The committee to whom was referred the petition of citizens of Wayne county, praying for an amendment of section 651 of an act entitled "an act to enforce mechanics' liens on buildings," approved June 18, 1852, beg leave to report the following bill, amendatory of said section of said act, and to recommend its passage:

Senate bill No. 95. A bill to amend section 651 of an act entitled "an act to enforce mechanics' liens on buildings," approved June 18, 1852, contained in the foregoing report.

Which was read a first time and passed to a second reading.

#### RESOLUTIONS.

On motion by Mr. Fisk,

*Resolved*, That the committee on temperance report to the Senate a bill regulating the sale and traffic in ardent spirits at its earliest convenience.

On motion by Mr. Brown,

*Resolved*, That the superintendent of the Hospital for the Insane be requested to furnish a list of its present inmates, giving the names of such patients, the counties from which they have been received, the length of time they have respectively been in the Hospital.

On motion by Mr. Bobbs,

*Resolved*, That the president of the State banks be requested to furnish the Senate with a statement of the amount of circulation out on the 31st of December, 1856, the amount thereof returned and destroyed up to this time, and on what branches, and the probable period of time that will be required to call in their circulation.

On motion by Mr. Ensey,

*Resolved*, That the committee on banks be requested to inquire into the expediency of allowing such free banks as have not complied with the law of 1855, whose capital is less than fifty thousand dollars, to deposit with the proper officer the additional amount of ten per cent. and be permitted to all the privileges allowed by the free bank laws, as amended at the last session.

By unanimous consent,

The rules were suspended, and

Mr. McCleary introduced a remonstrance from sundry citizens of Franklin county, protesting against an increase of the rate of interest,

Which,

On motion by Mr. Slater of Dearborn,

Was referred to the committee on finance.

#### ORDERS OF THE DAY.

#### *Senate Bills on Second Reading.*

Senate bill No. 60. A bill providing for assignments in trust for the benefit of creditors, and regulating the mode of administering the same.

Was read a second time; and,

On motion by Mr. Green,

Laid on the table.

Senate bill No. 61. A bill to prescribe the mode of selecting petit jurors in the courts of common pleas, and repealing all laws contravening the provisions of this act.

Was read a second time; and,

On motion by Mr. Suit,

Referred to the committee on the organization of courts.

#### SPECIAL ORDERS.

The hour having arrived, the Senate proceeded to consider the resolution declaring that it was inexpedient to go into the election of United States senators, or other officers, during the present session, which was made the special order for to-day at 10 o'clock, A. M.



Mr. Johnston moved to amend the resolution by striking out the words "or other officers."

By unanimous consent,

On the suggestion of Mr. Suit, the words "in joint convention," were added to the resolution.

Pending the consideration of the amendment,

On motion by Mr. Suit,

The Senate adjourned.

2 O'CLOCK, P. M.

The Senate met.

On motion by Mr. Suit,

The resolution and amendment to the same, pending at adjournment, were laid on the table.

On motion by Mr. Tarkington,

The vote making Senate bill No. 63, a bill to amend the 6th, 20th, 2d, 78th, 79th, 96th, 119th, and 194th sections, and to repeal section 99 of an act entitled "An act to provide for the valuation and assessment of the real and personal property, and the collection of taxes, in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State, approved June 1, 1852," and to provide for the assessment and taxation of banks, brokers, stockjobbers, insurance companies, trust companies, savings institutions, gas companies, and other joint stock companies whose taxation is not specifically provided for," the special order for to-day at 2 o'clock, P. M., in committee of the whole, was reconsidered.

On motion by Mr. Suit,

The order of business was suspended, and

Senate bill No. 70. A bill to provide for a subscription to the Indiana statutes, and for the payment thereof,

Was taken up and placed on file.

By unanimous consent,  
The order of business was suspended, and

House bill No. 165. A bill to amend section 2 of an act entitled "An act to change the time of holding courts in the eleventh judicial circuit,"

Was read a second time; and,

Mr. Chapman moved to suspend the rules and read the bill a third time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Green, Griggs, Hargrove, Heffren, Hill, Johnston, Kinley, March, Mansfield, Mathes, Miller, McClure, McLean, Richardson, Rice, Rugg, Slater of Dearborn, Slater of Johnson, Suit, Tarkington, Thompson, Weir, Wilson and Yaryan—38.

No senator voting in the negative.

So the rules were suspended and the bill read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Green, Griggs, Hargrove, Heffren, Hendry, Johnston, Kinley, March, Mansfield, Mathes, Miller, McClure, McLean, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Suit, Tarkington, Thompson, Wallace, Weir, Wilson and Yaryan—40.

No senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

The hour having arrived for the consideration of the resolution of the Senator from Johnson,

On motion of Mr. Heffren,

The further consideration of the resolution was postponed till Thursday next, at 2 o'clock P. M.

*Senate Joint Resolutions on Second Reading.*

Senate joint resolution No. 2. A joint resolution in regard to lieutenants Maury and Noble.

Was read a second time.

On motion by Mr. Suit,

The joint resolution was amended by striking out the word "instructed," and inserting the word "requested," so as to make the same read that "our senators and representatives be requested," &c.

On motion by Mr. Yaryan,

The joint resolution was further amended by striking out the word "senators" and inserting the word "senator."

On motion by Mr. Heffren,

The joint resolution was laid on the table.

## SENATE BILLS ON SECOND READING.

Senate bill No. 59. A bill to amend an act entitled "an act concerning interest on money," approved May 27, 1852, and to repeal section 51 of an act defining misdemeanors and prescribing punishment therefor approved, June 14, 1852,

Was read a second time, and,

On motion by Mr. Cravens,

The further consideration of the bill was postponed to and made the special order for Tuesday next, at 2 o'clock, P. M.

## SENATE BILLS ON THIRD READING.

Senate bill No. 62. A bill to amend the third section of an act to regulate the titles of all those who purchased swamp lands of the United States after the date of the donation, and before the selection of the swamp lands by the State of Indiana, approved March 5, 1852.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Green, Griggs, Hargrove, Hendry, Hill, Kinley, March, Mansfield, Richardsou, Rice, Sage, Suit, Tarkington, Thompson, Weir, Wilson and Yaryan—30.

*Those who voted in the negative were,*

Messrs. Alexander, Heffren, Johnston, Mathes, McClure, Slater of Dearborn, and Wallace—7.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Senate bill No. 65. A bill to amend sections 23 and 128 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Was read a third time.

By unanimous consent,

On motion by Mr. March,

The bill was amended by inserting in the proper place the words, "or the person taking the same may be found or reside."

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Green, Griggs, Hargrove, Hendry, Hill, Kinley, March, McClure, McLean, Richardson, Rice, Sage, Stevens, Suit, Tarkington, Thompson, Wallace, Weir, Wilson and Yaryan—33.

*Those who voted in the negative were,*

Messrs. Freeland, Heffren, Johnston, Mansfield, Mathes, Miller and Slater of Dearborn—7.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Senate bill No. 67. A bill to repeal section 9 of an act entitled "an act to enforce the 13th article of the constitution, by providing a penalty for the importation of negroes and mulattoes into the State of Indiana, contrary to the provisions thereof."

Was read a third time.

The question being, shall the bill pass?

The question being shall the bill pass,

*Those who voted in the affirmative were,*

Messrs. Bearss, Brown, Crane, Drew, Heffren, Hendry, Johnston, Mansfield, Mathes, McClure, McLean, Slater of Dearborn, Tarkington, Wallace, Weir and Wilson—16.

*Those who voted in the negative were,*

Messrs. Alexander, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Fisk, Freeland, Green, Griggs, Hargrove, Hill, Kinley, March, Miller, Richardson, Rice, Rugg, Sage, Suit, Thompson and Yaryan—26.

So the bill did not pass.

#### HOUSE BILLS ON SECOND READING.

House bill No. 111. A bill to provide for the annexation of incorporated towns, to incorporate cities, and for the consolidation or union of incorporated cities.

Was read a second time.

Mr. Drew moved to suspend the rules and read the bill a third time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Crouse, Drew, Ensey, Fisk, Freeland, Green, Griggs, Hargrove, Heffren, Hendry, Hill, Johnston, Kinley, March, Mansfield, Mathes, Miller, McClure, McLean, Richardson, Rice, Rugg, Sage, Stevens, Tarkington, Thompson, Wallace, Weir, Wilson and Yaryan—38.

No Senator voting in the negative,

So the rules were suspended and the bill read a third time.

The question being shall the bill pass,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Crouse, Drew, Ensey, Fisk, Freeland, Green, Griggs, Hargrove, Heffren, Hendry, Hill, Johnston, Kinley, March, Mansfield, Mathes, Miller, Richardson, Rice, Rugg, Sage, Slater of Dearborn,

S. J—23.

Stevens, Suit, Tarkington, Thompson, Wallace, Weir, Wilson and Yaryan—40.

No senator voting in the negative.

So the bill passed.

*Ordered*, That the secretary inform the House thereof.

House bill No. 104. A bill to repeal section 10 of an act entitled "An act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of judges thereof," approved June 11, 1852,

Was read a second time, and,

On motion by Mr. March,

Referred to the committee on the judiciary.

House bill No. 84. A bill to amend the 31st section of an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and also declaring their duties; approved June 11, 1852.

Was read a second time.

Mr. March moved to amend the bill by adding the following sections :

Sec. —. *Be it enacted by the General Assembly of the State of Indiana*, That section 46 of the above entitled act which reads as follows, to-wit :

Sec. 46. Whenever two thirds of all the resident owners, in number or in value of real estate, bounding both sides of any street, not less than one square, shall petition to have such street graded, paved or otherwise improved, or the side walks thereof built or repaired, or when two thirds of the owners of real estate in number or in value on one side of such street, shall desire a sidewalk on that side, it shall be the duty of such board to levy and cause to be elected by tax upon the owners of real estate, or lots on such street, or part of such street according to the last assessed valuation of such real estate, such a sum of money as is necessary for the improvement of said street or side walks as in said petition requested; be, and the same is hereby amended, so as to read as follows, to-wit :

Whenever two thirds of all the resident owners in number or in value of real estate bounding both sides of any street, not less than one square shall petition to have such street or the alleys connected therewith, graded, paved or otherwise improved, or the sidewalks thereof built or repaired, or when two thirds of the owners of real estate in number or in value on one side of such street, shall desire a sidewalk on that side, it shall be the duty of such board to levy

and cause to be collected by tax upon all the owners of real estate, or lots on such street, or part of a street, or such side of a street according to the last appraised valuation of said real estate exclusive of any improvement that may be made thereon, such sum of money as is necessary for the improvement of said street or side walk as in said petition requested. At the time of making such levy, said board shall fix the nature, extent and specification of the proposed improvement, and any person upon whose real estate any such tax is levied, may satisfy the same, or any part thereof by labor done, and materials furnished for the proposed improvement under the direction and to the acceptance of said board. If any person against whose real estate a tax shall be levied for the purpose of building or repairing a side walk, shall have previously built a side walk adjoining to the whole of the real estate so taxed to the acceptance of the board, or shall afterwards build or repair the same within the time prescribed by said board and to their acceptance it shall be a full discharge of such tax, for the improvement of side walks.

*Be it further enacted*, That section 48 of said entitled act, which is as follows, viz :

Sec. 48. When two-thirds of the owners of a tier of lots, adjoining an incorporated town, shall sign a petition asking that the corporate limits of said town be extended so as to include said out-lots, the board of trustees of said town shall cause said petition to be recorded, and make an order that said tier of out lots shall thereafter be included and constitute a part of said corporation and the inhabitants residing thereon and owners thereof, shall be subject to, and entitled to all privileges of said corporation ; be, and the same is amended so as to read as follows, viz :

When two-thirds of the owners of a tier of out-lots adjoining an incorporated town, shall sign a petition asking that the corporate limits of said town be extended so as to include said out-lots, the board of trustees of said town shall cause said petition be recorded and make an order that said tier of out-lots shall thereafter be included in and constitute a part of said corporation. Whenever there shall be lots laid off and platted adjoining or within such town, and a record of the same is made in the recorder's office of the proper county, the board of trustees, may by a resolution extend the boundary of such town so as to include such lots, whether improved or not, and the lots there annexed shall thereafter form a part of such town, and be within the jurisdiction of the same. A copy of such resolution with plot and maps of survey, defining the metes and boundaries of such additions shall be immediately filed and recorded in the office of the recorder aforesaid. Said tiers of out-lots, and said lots annexed as last specified, shall be included in and constitute a part of said corporation, and the inhabitants residing thereon and owners thereof, shall be subject to all the laws and regulations and entitled to all the privileges of said corporation. All of section 46 inconsistent with this amendment is hereby repealed.

Mr. Wallace moved to amend the amendment by providing, "that the township trustees shall have power to annex, upon the petition of a majority of the citizens residing outside of the city, or corporation limits."

On motion by Mr. Bobbs,

The bill and pending amendments were referred to the committee on corporations.

On motion by Mr. March,

The vote referring the bill to the committee on corporations was reconsidered.

Mr. Tarkington moved to further amend the bill by adding :

"*Provided, further,* That taxes for corporation purposes shall attach, on all property owned by each person subject to taxation under this act, and the act to which this is an amendment, on the first day of January of the year in which the enlistment is made."

On motion by Mr. Bobbs,

The bill and pending amendments were referred to a select committee of three.

The President appointed senators Bobbs, March and Tarkington said select committee.

#### SENATE BILLS ON SECOND READING.

Senate bill No. 92. A bill to empower the common council of incorporated cities, to compel owners of property to build and keep in repair side walks, and supplemental to an act entitled "an act for the incorporation of cities;" approved June 18, 1852.

Was read a second time.

On motion by Mr. Weir,

The bill was referred to the select committee last appointed.

On motion by Mr. Wallace,

Mr. Weir was added to said select committee.

Senate bill No. 63. A bill to amend the 20th, 2d, 78th, 79th, 96th, 109th, and 194th sections, and to repeal section 99 of an act entitled "an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 1, 1852, and to provide for the assessment and taxation of banks, brokers, stockjobbers, insurance companies, trust



companies, savings institutions, gas companies, and other joint stock companies, whose taxation is not specifically provided for.

Was read a second time.

On motion by Mr. Tarkington,  
The bill was amended by adding the following section :

Sec. —. Inasmuch as there is now no law in force specifically providing for the assessment and taxation of bankers, brokers, stockjobbers, insurance companies, trust companies, savings institutions and gas companies, it is declared that an emergency exists for the immediate taking effect of this act ; it is therefore declared that the same shall be in force from and after its passage and publication in the Indiana Sentinel and Indiana Journal ; and it is hereby made the duty of the Secretary of State, immediately after its passage and publication, to transmit a copy of the same to the several county auditors in this State.

Mr. Johnston moved further to amend the bill by striking out all after the word "State" in the 28th line of section 1, to the word "acres," in the 49th line of same section, and insert the following:

2d. Every school house, court house, poor house and jail, and the land whereon such buildings are situate, and all county land and buildings set apart for county purposes.

3d. Every building erected for religious worship, and pews and furniture within the same, and the land whereon such building is situate, not exceeding ten acres, also every cemetery.

4th. All lands granted for the use of common schools, so long as the same shall remain unsold.

Which was not agreed to.

Mr. Wallace moved to further amend the bill by striking out the fourth clause from section first, and inserting :

4th. Every building used for religious worship, and the pews and furniture within the same, and the land whereon such building is situate, not exceeding an acre ; also, every cemetery : *Provided*, That such exemption shall apply only to so much of said building as is used by the denomination owning the same for religious worship exclusively.

Which was adopted.

On motion by Mr. Green,  
The vote adopting the amendment offered by Mr. Wallace was reconsidered.

The question recurred on the adoption of the amendments.  
Which was not agreed to.

On motion by Mr. Cravens,  
The bill was further amended as follows :

In section 1, clause 7, line 47, after the word "college," add the words "or university."

Also, in clause 7, line 48, after the word "incorporated," add the words "or incorporated," and further add, in line 49, after the word "incorporated," "or used."

On motion by Mr. Johnston,  
The bill was referred to a select committee of five.

The President appointed senators Johnston, Tarkington, March, Burke and Wallace said select committee.

House bill No. 77. A bill to amend the 1st section of an act entitled "An act to incorporate the Cannelton Paper Mill," approved February 15th, 1848, so as to give power to manufacture other articles.

Was read a second time, and,

On motion by Mr. Richardson,  
Referred to the committee on corporations.

House bill No. 11. A bill to amend the 2d section of an act entitled "An act concerning the organization of voluntary associations and repealing former laws in relation thereto;" approved February 12, 1855, so as to authorize the formation of ferry companies.

Was read a second time.

Mr. Heffren moved to suspend the rules and read the bill a third time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bobbs, Brown, Burke, Chapman, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Green, Griggs, Hargrove, Hendry, Hill, March, Mansfield, Miller, McClure, McLean, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Suit, Tarkington, Thompson, Wallace, Weir, Wilson and Yaryan—36.

*Those who voted in the negative were,*

Messrs. Johnston and Kinley—2.

So the rules were suspended and the bill read a third time.

The question being shall the bill pass,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bobbs, Brown, Burke, Chapman, Crane, Cravens, Crouse, Drew, Eusey, Fisk, Freeland, Green, Griggs, Hargrove, Hefien, Hendry, Hill, Johnston, Kinley, March, Mansfield, Miller, McClure, McLean, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Tarkington, Thompson, Wallace, Weir, Wilson and Yaryan—37.

No Senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

House bill No. 81. A bill to amend an act entitled "An act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852.

Was read a second time and ordered to a third reading on tomorrow,

House bill No. 125. A bill to vest certain rights in married women, whose husbands have left the State without making suitable provisions for their maintenance, or whose husbands are confined in the State Prison.

Was read a second time; and,

On motion by Mr. Suit,  
Referred to the committee on the judiciary.

Mr. Freeland moved to instruct the committee to so amend the bill as to provide "that in all cases of abandonment, the wife shall have all the rights in his property as though he were dead."

On motion by Mr. Suit,  
The instructions were referred to the committee on the judiciary.

By unanimous consent,  
The order of business was suspended, and,

On motion by Mr. Suit,

The case of the contested seat of the Senator from the district composed of the counties of St. Joseph, Marshall, Starke and Fulton was made the special order for Friday of next week, at 2 o'clock P. M.

By unanimous consent,  
The order of business was suspended, and

On motion by Mr. Crane,

The committee on the State prison was granted leave of absence to visit the penitentiary.

House bill No. 128. A bill to cure defective sales made by executors and administrators, where the heirs have been notified by publication or summons.

Was read a second time and ordered to a third reading on to-morrow.

House bill No. 120. A bill to repeal the 13th and 19th sections of an act entitled "An act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852, and also to authorize and regulate the taking of appeals from courts of common pleas.

Was read a second time, and,

On motion by Mr. Heffren,

Referred to the committee on the organization of courts.

House bill No. 70. A bill to amend the 6th, 7th, 19th and 20th sections of an act entitled "An act regulating the granting of divorces, nullification of marriages and decrees, and orders of court incident thereto," approved May 13, 1852.

Was read a second time.

Mr. March moved to amend the bill as follows :

Amend section 2 by adding to the third clause the following words, "if by the wife, and two years if by the husband."

Also, further amend said section by striking out the following words :

"Any other cause for which the court shall deem it proper that a divorce should be granted," and insert "any other cause in fraud of the marriage contract, existing prior to the marriage." Also, add the following additional section :

Sec. —. That sec. 18 of the above entitled act, which is as follows to-wit : "Sec 18. A divorce granted for misconduct of the husband, shall entitle the wife to the same right, so far as her real estate is concerned, that she would have been entitled to by his death;" be, and the same is so amended as to read as follows, viz :

"A divorce granted for misconduct of the husband, shall entitle the wife to the same right, so far as her real estate is concerned, that she would have been entitled to by his death."

Which amendments were agreed to, and the bill ordered to a third reading on to-morrow.

On motion by Mr. Weir,

The order of business was suspended, and

Mr. Weir moved that 100 copies of Senate bill No. 60. A bill providing for assignments in trust for the benefit of creditors, and regulating the mode of administering the same, be printed for the use of the Senate.

Which was not agreed to.

On motion by Mr. Burke,

The bill was taken from the table and referred to a select committee of five, composed of lawyers.

Senators Wallace, March, Heffren, McLean and Yaryan were appointed said select committee.

On motion by Mr. Weir,

The Senate adjourned.

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FRIDAY MORNING, 9 o'clock, A. M., }  
February 13, 1857. }

The Senate met.

The reading of the journal was dispensed with.

#### PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Rugg introduced the petition of Wm. B. Loughridge, a witness in the contested case of election between Geo. McDowell and Geo. W. Chapman, at the last session, asking an allowance for his attendance as a witness, &c.

Which,

On motion by Mr. Rugg,

Was referred to the committee on finance.

Mr. Rice introduced a petition from sundry citizens of the State, praying an amendment of the law providing for the enforcement of leins on water crafts.

Which,

On motion by Mr. Rice,

Was referred to the committee on finance.

## BILLS INTRODUCED.

By unanimous consent,  
Mr. Fisk introduced

Senate bill No. 96. A bill to amend an act entitled "an act to provide for the more uniform mode of doing township business," approved May 6, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Crane introduced

Senate bill No. 97. An act to provide for the sale of certain lands belonging to the State University, the application and investment of the purchase money thereof, and to enable the board of trustees of said university to obtain accurate information in relation to the property thereof.

Which was read a first time, and passed to a second reading.

By unanimous consent,  
Mr. McClure introduced

Senate bill No. 98. A bill to amend the 6th section of an act entitled "an act for the more uniform mode of doing township business;" to require the trustees to perform the duties now required of township clerks and treasurers, and to repeal laws coming in conflict therewith.

Which was read a first time, and passed to a second reading.

## ORDERS OF THE DAY.

*House Bills on Second Reading.*

House bill No. 132. A bill to amend an act entitled "an act declaratory of the law regulating marriages, and enforcing the provisions thereof by proper penalties," approved March 5, 1852.

Was read a second time, and

On motion by Mr. Green,

The bill was referred to a select committee heretofore appointed to consider a similar bill.

House bill No. 10. A bill to provide for the approval of official bonds in cases not now provided for by law,

Was read a second time and ordered to a third reading on tomorrow.

House bill No. 75. A bill to amend the 23d section of an act

entitled "an act concerning trespassing animals and partition fences,"

Was read a second time, and,

On motion by Mr. Johnston,

Referred to the committee on agriculture.

House bill No. 106. An act to provide for the distribution of the German edition of the Revised Statutes of 1852 among the several counties of the State,

Was read a second time, and,

On motion by Mr. Sage,

Referred to the committee on the judiciary.

House bill No. 3. A bill to repeal an act approved February 16, 1855, relative to the manufacture and sale of spirituous and intoxicating liquors,

Was read a second time, and,

On motion by Mr. Johnston,

Referred to the committee on temperance.

House bill No. 24. A bill to amend section 6 of an act touching the laying out and vacating towns, streets, alleys, public squares and grounds, or any part thereof, the making out and recording of plats of such towns, and providing for the change of the names of such towns, approved May 20, 1852,

Was read a second time, and,

On motion by Mr. Murray,

Referred to the committee on county and township business.

House bill No. 5. A bill to amend the 10th section of an act entitled "an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11th, 1852, and supplemental thereto,

Was read a second time and ordered to be read a third time on to-morrow.

House bill No. 57. A bill legalizing the acknowledgment of all deeds and mortgages, and other instruments required to be recorded, taken and certified by justices of the peace to whom commissions have been regularly issued by mistake before the expiration of the term of office of their predecessors,

Was read a second time and ordered to a third reading on to-morrow.

House bill No. 121. A bill to change the time when the State Superintendent of Public Instruction shall enter upon the duties of his office,

Was read a second time, and,

On motion by Mr. Bobbs,  
Referred to the committee on education.

SENATE BILLS ON THIRD READING.

Senate bill No. 61. A bill to prescribe the mode of selecting petit jurors in the courts of common pleas, and repealing all laws contrary to the provisions of this act,

Was read a third time, and,

On motion by Mr. Murray,  
Was laid on the table.

SENATE BILLS ON SECOND READING.

Senate bill No. 95. A bill to amend section 651 of an act entitled "an act to enforce mechanics' liens on buildings," approved June 18, 1852,

Was read a second time and ordered to be engrossed.

By unanimous consent,  
The order of business was suspended, and,  
On motion by Mr. Heffren,

*Resolved*, That the committee on the judiciary be requested to inquire into and report whether the length of the term of office of the Superintendent of Public Instruction can be extended beyond the term of two years by legislative act.

Senate bill No. 83. A bill declaratory of the meaning of an act entitled "an act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855,

Was read a second time, and,

On motion by Mr. Murray,  
Referred to the committee on county and township business.

Senate bill No. 82. A bill in relation to conveyances and devises of personal and real estate for religious purposes.

Was read a second time, and,

On motion by Mr. Cravens,  
Referred to a select committee of three.

The President appointed senators Cravens, Sage and Johnston said select committee.

By unanimous consent,  
The order of business was suspended, and  
Mr. Rice, from the committee on the organization of courts, made the following report :



MR. PRESIDENT:

The committee on the organization of courts, to whom was referred Senate bill No. 31, entitled "an act supplemental to the 9th article of "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, have had the same under consideration and have instructed me to report it back without amendment, and respectfully recommend its passage.

Which was concurred in and the bill ordered to be engrossed.

Senate bill No. 81. A bill preventing the willing and bequeathing to any benevolent, charitable or other institution by any person of more than a certain amount of property.

Which was read a first time, and,

On motion by Mr. Heffren,

Referred to the committee on the judiciary.

Senate bill No. 80. A bill to amend the 138th section of an act entitled "An act providing for the settlement of decedent's estates, prescribing the rights, liabilities and duties of officers connected with the management thereof and the heirs thereto, and certain forms to be used in such settlements.

Was read a second time; and,

On motion by Mr. Merrifield,

Referred to the committee on the organization of courts.

Senate bill No. 75. A bill authorizing the trustees of townships to establish water courses and locate ditches in certain cases.

Was read a second time; and,

On motion by Mr. Johnston,

Referred to the committee on county and township business.

By unanimous consent,

The order of business was suspended, and,

On motion by Mr. Chapman,

Mr. Bearse was granted leave of absence until Tuesday next.

Senate bill No. 74. A bill for the relief of Andrew Scott.

Was read a second time; and,

On motion by Mr. McClure,

Referred to the committee on swamp lands.

Senate bill No. 72. A bill to amend the first section of an act entitled "An act authorizing proceedings to try the right of prop-

erty seized by virtue of any writ of execution or attachment, and claimed by any person other than the executor or attachment defendant," approved June 5, 1852.

Was read a second time and ordered to be engrossed.

Senate bill No. 73. A bill to provide for the disposition of real estate of aliens dying, or having died intestate or testate without heirs or devisees capable of taking such real estate by devise or descent.

Was read a second time; and,

On motion by Mr. Cravens,

Referred to the committee on judiciary.

#### SENATE JOINT RESOLUTIONS ON SECOND READING.

Senate joint resolution No. 4. A joint resolution concerning second section of article second of the constitution of the State of Indiana.

Was read a second time, and,

On motion by Mr. Sage,

Referred to a select committee of three.

The President appointed senators Sage, Heffren and March said select committee.

#### SENATE BILLS ON SECOND READING.

Senate bill No. 77. A bill to amend an act establishing general provisions respecting corporations; approved June 15, 1852.

Was read a second time and ordered to be engrossed.

Senate bill No. 76. A bill to enable boards of township trustees to purchase, condemn and hold lands for school purposes, to borrow money and to mortgage lands to secure loans.

Was read a second time, and,

On motion by Mr. Yaryan,

Referred to the committee on county and township business.

Senate bill No. 79. A bill to prohibit certain county officers and their deputies from practicing as attorneys at law.

Was read a second time, and,

On motion by Mr. Burke,

Laid on the table.

Senate bill No. 78. A bill to grant the assent of the State of Indiana, to the dissolution of corporations created by General Law.

Was read a second time, and,

On motion by Mr. Bobbs,

Referred to the committee on the judiciary.

## SENATE JOINT RESOLUTIONS ON SECOND READING.

Senate joint resolution No. 6. A joint resolution to authorize the superintendent of public instruction to furnish the penitentiary with one township library.

Was read a second time and ordered to be engrossed.

## SENATE BILLS ON SECOND READING.

Senate bill No. 93. A bill to prevent betting on elections, and providing punishment for the same.

Was read a second time, and,

On motion by Mr. Heffren,

Referred to the committee on judiciary.

Senate bill No. 70. A bill to provide for a subscription to the Indiana statutes, and for the payment thereof.

Was taken from the table, and

On motion by Mr. Suit,

Referred to a select committee of three.

The President appointed senators Suit, Bobbs and Sage said select committee.

Senate bill No. 87. A bill for the investment and safe-keeping of the school fund arising from the 114 section of an act establishing a State bank; approved January 28th, 1834.

Was read a second time, and,

On motion by Mr. Heffren,

Referred to the committee on finance.

Senate bill No. 89. A bill to provide for taking an enumeration of the voters of the county upon a petition for a relocation of the county seat.

Was read a second time.

Mr. Wallace moved to amend the bill by striking out from the enacting clause and inserting:

A bill to amend second section of an act entitled "an act to provide for the relocation of county seats, and for the erection of public buildings in counties, in case of such relocation; approved March 2d, 1855, and to provide for the relief of property holders in the town from which county seats may be removed.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the second section of an act entitled "an act to provide for the relocation of county seats, and for the erection of public buildings in counties, in case of such relocation; approved March 2d, 1855, which reads as follows, to-wit:

Sec. 2. When such petition is presented and the signatures thereto verified to be genuine by affidavit of some one or more persons, swearing that he or they saw the names signed thereto, and that the signers are all *bona fide* residents and legal voters of such county, and not procured to come into the county for the purpose of signing such petition, and said money deposited, then said board shall employ a competent architect to prepare plans, specifications and estimates suitable for new county buildings, the buildings to be brick or stone, and the county offices to be fire proof, or as nearly so as practicable, the cost of the whole not to exceed twenty-five thousand dollars, unless requested by the petitioners, and such plans, specifications and estimates shall be presented to the said board at its next session. But in case the site of any county seat or any part thereof, shall have been donated to the county for the purpose of locating such county seat thereon, and accepted and used by the county for such purpose, and in whole or in part sold out as town lots, then said board shall not take the action herein contemplated until said petitioners shall procure their lease or extinguishment of all claims to the reversion or other interest of the donors of such site or their heirs, in and to any part of such donation, or until such petitioners shall have paid into the county treasury for the use of the owners of such town lots, on such donation, all damages which such owners may sustain, in consequence of the claims of such donors or their heirs, to be assessed by three disinterested citizens of this State not residing in such county, to be appointed and sworn by said board, and from whose decision an appeal shall lie to the circuit court in like manner, as from justices of the peace and who shall receive three dollars per day each for their services to be paid by such petitioners.

SEC. 2. As there is no law now in force in this State on this subject, and to prevent litigation, and prevent county boards from being involved in suits for damages by persons to whom lots may have been sold by any county from donations made for county seats, it is declared that an emergency exists for the immediate taking effect of this act, and that the same shall be in force from and after its passage and publication in the Indiana State Sentinel and State Journal.

On motion by Mr. Burke,

The bill and pending amendment was referred to a select committee of three.

The president appointed senators Burke, Wallace and Griggs said select committee.

Senate bill No. 86. A bill to amend the 11th section of an act to provide for the erection and repair of bridges, and to repeal an act entitled "an act to provide for the erection and repair of bridges," approved May 12, 1852—approved March 3, 1855.

Was read a second time, and ordered to be engrossed.

Senate bill No. 85. A bill to amend section 156 of article 9 of chapter 7, Revised Statutes of 1852, entitled "Attachments."

Was read a second time; and

On motion by Mr. Robbs,

Referred to the committee on the judiciary.

Senate bill No. 88. A bill to enable men whose wives are insane, to convey real estate.

Was read a second time, and,

On motion by Mr. Hargrove,

Referred to the committee on the judiciary.

Senate bill No. 84. A bill to amend an act regulating the fees of officers, and repealing former acts in relation thereto.

Was read a second time, and ordered to be engrossed.

#### SENATE JOINT RESOLUTIONS ON SECOND READING.

Senate joint resolution No. 5. A joint resolution in relation to printing the Revised Statutes in German.

Was read a second time, and ordered to be engrossed.

#### MESSAGES FROM THE HOUSE TAKEN UP.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bill thereof: No. 21. An act to appraise the real estate of the State of Indiana, and to make such appraisement uniform throughout the State.

In which the concurrence of the Senate is respectfully requested

House bill No. 21, contained in the foregoing message, was read a first time, and passed to a second reading.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bill thereof: No. 6. An act to amend an act concerning interest on money, approved May 27, 1852.

In which the concurrence of the Senate is respectfully requested.

House bill No 6, contained in the foregoing message, was read a first time, and passed to a second reading.

On motion by Mr. Wallace,  
The order of business was suspended.

By unanimous consent,  
Mr. Wallace introduced

Senate bill No. 99. A bill authorizing creditors to take additional securities for school fund borrowed on present security, or bring suit for the immediate collection of the same.

Was read a first time, and passed to a second reading.

By unanimous consent,  
Mr. Wallace introduced

Senate bill No. 100. A bill to amend the 66th section of an act entitled "An act to provide for a general system of common schools the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof," approved March 5, 1855.

Which was read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bill thereof: No. 117. An act to amend the 9th section of an act entitled "An act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855.

In which the concurrence of the Senate is respectfully requested.

House bill No. 117, contained in the foregoing message, was read a first time, and passed to a second reading.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bill thereof: No. 138. An act to authorize the issuing of executions in certain cases.

In which the concurrence of the Senate is respectfully requested.

House bill No. 138, contained in the foregoing message, was read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, viz:

No. 80. An act prescribing for running railroad trains or locomotives across other railroads without stopping, and to punish carelessness and accidents in crossing.

In which the concurrence of the Senate is respectfully requested.

House bill No. 80, contained in the foregoing message,  
Was read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed joint resolution thereof:

No. 1. A joint resolution declaring it unconstitutional and impolitic for the State to purchase the Wabash and Erie Canal.

In which the concurrence of the Senate is respectfully requested.

House joint resolution No. 1, contained in the foregoing message,

Was read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bill thereof:

No. 23. An act for the removal of the old building on the Governor's Circle in Indianapolis, and for the improvement of the same.

In which the concurrence of the Senate is respectfully requested.

House bill No. 23, contained in the foregoing message,  
Was read a first time and passed to a second reading.

By unanimous consent,

The order of business was suspended, and

Mr. Murray offered the following preamble and resolution:

WHEREAS, In many portions of the State it is believed that the stagnation of the water in small creeks and water courses, caused by

the obstruction of the free passage of the water, is prejudicial to the health of the inhabitants, therefore,

*Resolved*, That the committee on roads be instructed to inquire into the expediency of so amending the road law as to declare such creeks and water courses highways, and require the supervisors to remove all obstruction therefrom, which may prejudice the health of the inhabitants, and providing penalties for placing obstructions in said creeks and water courses.

Which was adopted.

On motion by Mr. Heffren.

The credentials of all the senators were referred to the committee on elections.

On motion by Mr. Mansfield,

Mr. Richardson was granted leave of absence to visit the penitentiary with the committee on State prison.

Mr. Murray offered the following resolution :

*Resolved*, That when the Senate adjourn, it stand adjourned until 9 o'clock to-morrow morning.

Mr. Burke moved to amend the resolution by striking out the words "9 o'clock to-morrow morning," and inserting the words, "2 o'clock P. M., on Monday next."

Which was not agreed to.

The question recurred on the adoption of the resolution.  
Which was agreed to.

On motion by Mr. Suit,  
The Senate adjourned.

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SATURDAY MORNING, 9 O'CLOCK, A. M., }  
February 14, 1857. }

The Senate met.

The reading of the journal was dispensed with.



## REPORTS FROM STANDING COMMITTEES.

Mr. Blair, from the committee on county and township business, made the following report :

MR. PRESIDENT :

The committee on county and township business, to whom was referred a resolution of the Senate inquiring into the expediency of authorizing the county boards of the several counties of this State, to have the plats and field notes made by the county surveyors transmitted into new books to be provided for that purpose, in order that the same may be more securely kept for future reference, and also a petition from sundry citizens of Putnam county on the same subject, have had the same under consideration and have directed me to report the accompanying bill and recommend its passage.

Senate bill No. 101. A bill to authorize county auditors, recorders and surveyors to re-copy maps, plats and field notes when the original copies are worn or defaced, and prescribing the duties of county commissioners in relation thereto, and to repeal an act entitled "an act to authorize county auditors and recorders to re-copy maps and plats when the original copies are worn or defaced;" approved June 15th, 1852.

Senate bill No 101, contained in the foregoing report,  
Was read a first time and passed to a second reading.

## RESOLUTIONS.

Mr. Green offered the following preamble and resolution :

WHEREAS, "By an act supplemental to an act entitled 'an act to regulate the sale of swamp lands, donated by the United States, and to provide for the draining and reclaiming thereof, in accordance with the conditions of said grant, approved May 20, 1852, which was "approved February 2, 1855;" it was thereby made the imperative duty of the Auditor of State to apportion and pass to the credit of the swamp land fund of the several counties, respectively in this State, all the money, warrants, and funds of any and every description now in the State Treasury, or may hereafter come into it, derived from the sales of swamp lands lying within said counties, donated by the United States to the State of Indiana;

AND WHEREAS, By said act it was declared that said funds to be so apportioned, should consist of all receipts for swamp lands sold prior to the sale of swamp lands by the Auditor and Treasurer of the deficient counties where said lands are situated, together with all receipts for swamp lands, from and since said sales, and said

money, warrants or funds of any and every description shall be subject to, and paid out upon the orders of the swamp land commissioners of the county from which said money, warrants or funds were derived, so far as may be necessary for the purposes of draining and reclaiming said swamp lands :

**AND WHEREAS**, In view of the act aforesaid many of the commissioners of swamp lands made contracts for the draining of said lands in good faith, believing the Auditor of State would comply with said act, and apportion the funds aforesaid to the several counties, or audit their account as he was required to do.

**AND WHEREAS**, A large amount of money and warrants, justly due and owing to some of the counties unapportioned, are set apart to such counties, remains unaccounted for by the Auditor of State, in his reports. Therefore,

*Be it resolved*, That the Auditor of State be, and he is hereby required, to report to the Senate a full statement of the funds mentioned in the preamble to this resolution, what amount he has apportioned to the several counties, as required of him in said act, or the amount thereof undisposed of to the commissioners of swamp lands.

Which was adopted.

By unanimous consent,

The order of business was suspended, and

Mr. Murray, chairman of the committee on the judiciary, made the following report :

**MR. PRESIDENT :**

The committee on the judiciary, to whom was referred Senate bill No. 18, "a bill to provide for the appraisement of real property, and prescribing the duties of officers in relation thereto," have had the same under consideration, and have directed me to report the accompanying bill as a substitute therefor, and earnestly recommend its passage.

Whereupon, said bill and substitute were laid on the table.

Mr. Murray, chairman of the committee on the judiciary, made the following report :

**MR. PRESIDENT :**

The committee on the judiciary, to whom was referred Senate bill No. 68, "an act to amend the 14th section of an act entitled 'an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges

thereof," approved May 14, 1852, have had the same under consideration, and directed me to report the bill back without amendment, and respectfully recommend its passage.

The report was concurred in, and Senate bill No. 68, contained in said report, ordered to be engrossed.

Mr. Suit, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 73, "a bill to provide for the disposition of real estate of aliens dying, or having died intestate or testate, without heirs or devisees capable of taking such real estate by devise or descent," have had the same under consideration, and have directed me to report it back without amendment, and respectfully recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Griggs, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred House bill No. 106, "a bill to provide for the distribution of the German edition of the Revised Statutes of 1852, among the several counties of the State," have had the same under consideration, and have directed me to report it back, without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to a third reading on to-morrow.

Mr. March, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 93, "a bill to prevent betting on elections, and providing punishment for the same," have had the same under consideration, and have directed me to report it back, with the following amendment, and, when so amended, to respectfully recommend its passage:

Amend the bill by striking out all after the words "nor more than twice said amount," in the first section.

The report was concurred in, the amendment adopted, and the bill ordered to be engrossed.

#### RESOLUTIONS.

On motion by Mr. Suit,

*Resolved*, That the Clerk of the Supreme Court be requested to furnish the Senate with a statement of the number of cases on the docket, the number submitted and not submitted.

On motion by Mr. Drew,

*Resolved*, That the President of the Board of Sinking Fund Commissioners be requested to furnish to the Senate a report of the amount loaned, and the names and residence of persons to whom such loans have been made.

Mr. Blair offered the following resolution :

*Resolved*, That the clerks of the standing committees be allowed an equal amount of stamps with the other clerks and doorkeepers.

On motion by Mr. Sage,  
The resolution was laid on the table.

On motion by Mr. Murray,

*Resolved*, That when the Senate adjourn, it stand adjourned until Monday next, at 2 o'clock, P. M.

On motion by Mr. Heffren,

*Resolved*, That the Sinking Fund Commissioners be requested to inform the Senate how many and what amount of bonds have been redeemed since the last annual report of the same.

#### ORDERS OF THE DAY.

#### *House Joint Resolutions on Second Reading.*

House joint resolution No. 1. A joint resolution declaring it unconstitutional and impolitic for the State to purchase the Wabash and Erie Canal.

Was read a second time and ordered to a third reading on tomorrow.

## HOUSE BILLS ON SECOND READING.

House bill No. 117. A bill to amend the 9th section of an act entitled "an act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855.

Was read a second time, and,

On motion by Mr. Heffren,

The bill was amended so as to read "eight cents per mile, by the most usually traveled route."

On motion by Mr. Heffren,

The bill was referred to the committee on finance.

House bill No. 138. A bill to authorize the issuing of executions in certain cases.

Was read a second time, and,

On motion by Mr. Heffren,

Referred to the committee on the judiciary.

House bill No. 21. A bill to appraise the real estate of the State of Indiana, and to make such appraisement uniform throughout the State.

Was read a second time, and,

On motion by Mr. Hostetler,

Laid upon the table.

House bill No. 6. A bill to amend an act entitled "an act concerning interest on money," approved May 27, 1852.

Was read a second time, and,

On motion by Mr. Heffren,

The bill was made the special order for Tuesday next, at 2 o'clock, P. M.

The following message from the House, by Mr. Shook, assistant clerk:

MR. PRESIDENT:

I am directed, by the House of Representatives, to bring to the Senate, for the signature of the President thereof, the following enrolled bill of the House:

No. 165. An act to amend section 2 of an act entitled "an act to change the time of holding courts in the 11th judicial circuit."

The President signed the bill.

House bill No. 23. An act for the removal of the old buildings on the Governor's Circle, in Indianapolis, and for the improvement of the same.

Was read a second time.

Mr. Yaryan moved the following amendment to the bill:

Amend by inserting "the corporation of the city of Indianapolis," immediately after the words "citizens of Indianapolis."

On motion by Mr. Burke,

The bill and pending amendment were referred to the committee on the affairs of the town of Indianapolis.

House bill No. 80. A bill prescribing punishment for running railroad trains, or locomotives, across other railroads, without stopping, and to punish carelessness and accidents in crossing.

Was read a second time, and,

On motion by Mr. Heffren,

Referred to the committee on corporations.

#### SENATE BILLS ON SECOND READING.

Senate bill No. 97. A bill to provide for the sale of certain lands belonging to the State University, the application and investment of the purchase money thereof, and to enable the board of trustees of the said university to obtain accurate information in relation to the property thereof.

Was read a second time, and,

On motion by Mr. Burke,

Referred to the committee on the judiciary.

Senate bill No. 96. A bill to amend an act entitled "an act for the more uniform mode of doing township business," approved May 6, 1852.

Was read a second time, and,

On motion by Mr. Burke,

Referred to the committee on county and township business.

Senate bill No. 98. A bill to amend the sixth section of an act entitled "an act for the more uniform mode of doing township business, to require the trustees to perform the duties now required of township clerks and treasurers, and to repeal laws coming in conflict therewith."

Was read a second time, and,

On motion by Mr. Wallace,

Referred to the committee on county and township business.

Senate bill No. 99. A bill authorizing auditors to take additional security for school funds borrowed on personal security, or bring suit for the immediate collection of the same.

Was read a second time, and,

On motion by Mr. Wallace,

Referred to the committee on education.

Senate bill No. 100. A bill to amend the 66th section of an act entitled "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof," approved March 5, 1855.

Was read a second time, and,

On motion by Mr. Wallace,

Referred to the committee on finance.

The following message from the House was taken up:

A message from the House, by Mr. Shook, Assistant Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bills thereof:

No. 160. An act to provide for the support of the indigent blind, and other infirm persons. Also,

No. 166. An act to legalize the acts of the board of trustees of the town of Mishawaka. Also,

No. 152. An act to fix the time for holding the circuit courts in the first judicial circuit, and repealing all laws in conflict therewith. Also,

No. 153. An act to amend "An act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855. Also,

No. 169. An act to amend an act entitled "An act to provide for the erection and repair of bridges," and to repeal an act entitled "An act to provide for the erection and repair of bridges," approved March 3, 1855. Also,

No. 186. An act to amend the 2d section of an act entitled "An act prescribing the duties and fixing the compensation of State Agent," approved June 17, 1852. Also,

No. 109. An act to amend the 24th section of an act entitled "An act regulating descents, and the apportionment of estates," approved May 14, 1852. Also,

No. 115. An act declaring what a seal is in contemplation of law, requiring deeds of conveyance to be sealed, and declaring the meaning of such laws. Also,

No. 129. An act to provide for the government and discipline of the State Prison, and to repeal "An act to provide for the government and discipline of the State Prison," approved March 3, 1855, and all other laws or parts of laws inconsistent herewith.

In which the concurrence of the Senate is respectfully requested.

House bills Nos. 160, 166, 152, 153, 169, 186, 109, 115 and 129, contained in the foregoing message, were each read a first time and passed to a second reading.

By unanimous consent,  
The order of business was suspended, and,

Mr. Freeland, chairman of the committee on swamp lands, made the following report :

MR. PRESIDENT :

The committee on swamp lands, to whom was referred bill No. 20, "An act authorizing the swamp land agent to estimate and pay for ditching in cases therein specified," and bill No. 35, "A bill to facilitate the ditching and draining of swamp lands as therein provided," have embodied the provisions of said bills with a single addition thereto, in one which is herewith presented, and its adoption recommended.

Senate bills Nos. 20 and 35, contained in the foregoing report, were laid on the table, and,

Senate bill No. 102. A bill to amend section 25 of an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant, approved May 29, 1852; and also to facilitate the ditching and draining of swamp lands, and to provide for the payment thereof in certain cases therein mentioned, also contained in said report.

Was read a first time, and passed to a second reading.

By unanimous consent,  
The order of business was suspended, and

Mr. Bobbs from the committee on finance, made the following report :

MR. PRESIDENT :

The committee on finance have directed me to report the following bill, and recommend its passage :

Senate bill No. 103. A bill to provide for the redemption or



purchase of the bank bonds, and Indiana and other State stocks, and United States stocks, providing for the manner of doing the same, and defining the duties of certain officers in connection therewith;

Contained in the foregoing report, was read a first time, and

On motion by Mr. Bobbs,

The bill was ordered to a second reading, and 200 copies ordered to be printed for the use of the Senate.

By unanimous consent,

The order of business was suspended, and.

On motion by Mr. Sage,

*Resolved*, That the committee on benevolent institutions be authorized to employ a clerk; *Provided*, That said clerk shall receive pay only for such time as he may be necessarily employed by said committee.

On motion by Mr. Burke,

The Senate adjourned.

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MONDAY, 2 o'clock, P. M.  
February 16, 1857. }

The Senate met.

The reading of the journal was dispensed with.

#### PETITIONS, MEMORIALS, AND REMONSTRANCES.

Mr. Bobbs introduced a petition from sundry colored persons, praying an amendment of the school laws of the State, so as to allow free colored persons to participate in the benefits of the common school fund.

Mr. Bobbs moved to refer the petition to the committee on education.

The ayes and noes being demanded by senators Wallace and Heffren,

*Those who voted in the affirmative were,*

Messrs. Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit and Thompson—22.

*Those who voted in the negative were,*

Messrs. Drew, Fisk, Heffren, Hostetler, Johnston, Mansfield, Miller, McCleary, McLean, Slater of Dearborn, Slater of Johnson, and Wallace—12.

So the petition was referred to said committee.

On motion by Mr. Cravens,  
Mr. Wilson was granted leave of absence.

The President laid before the Senate the following communication :

CLERK'S OFFICE, SUPREME COURT, )  
February 16th, 1857. )

HON. ABRAM A. HAMMOND,

*President of the Senate :*

SIR :—In obedience to a resolution of the Senate, adopted on Saturday last, inquiring the condition of the docket of the Supreme Court, I have the honor to submit the following report :

Whole number of cases on the docket at the November term	
A. D., 1857 .....	944
Number of cases not submitted.....	177
Number of cases under submission.....	767

Of which 260 cases were disposed of at the present session.

I am very respectfully,

Your obedient servant,

WM. B. BEACH, C. S. P.

Per JOSEPH S. KENTSEL, *Deputy.*

On motion by Mr. Suit,

The communication was referred to a select committee heretofore appointed to consider Senate bill No. 46.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Murray, chairman of the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred House bill No. 125, "an act to vest certain rights in married women, whose husbands have left the State, without making suitable provisions for their maintenance, or whose husbands are confined in the State prison," together with the accompanying instructions, have had the same under consideration, and directed me to report that they do not deem it advisable to comply with the instructions ; and also to report the following amendments to the bill, and when so amended they respectfully recommend its passage.

Amend the 2d section of the bill by adding the following, to-wit :

"And during such absence the wife shall be entitled to receive payment for her labor, and that of her minor children, in the same manner as if she were sole, free from the control of her husband, and from all liability for the payment of his debts of any description."

Amend the 9th section of the bill, by inserting after the words "on his application," in the fifth line of the section, the words, "together with the consent in writing of the wife, filed in court."

Amend the 11th section of the bill by striking out the words, "governing actions for divorcee."

Amend the 12th section of the bill by adding the following words, to-wit : "and his return to his wife."

Amend the bill by adding thereto as follows, to-wit :

"Sec. —. In all cases provided for in the preceding sections of this act, where the wife shall be under the age of twenty one years, she shall be allowed to prosecute all the rights conferred under this act by her next friend, to be approved of by the court."

Amend the bill by adding thereto as follows, to-wit :

"Sec. —. All laws and parts of laws contravening the provisions of this act are hereby repealed."

The report was concurred in, the amendments adopted, and the bill ordered to be read a third to-morrow.

Mr. Suit, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred House bill No. 108, An act authorizing the appointment of special administrators and prescribing their duties in certain cases, have had

the same under consideration, and directed me to report it back, without amendment, and respectfully recommend its passage.

The report was concurred in, and the bill ordered to be read a third time to-morrow.

#### RESOLUTIONS.

On motion by Mr. Kinley,

*Resolved*, That such papers as are on file among the unfinished business of the Legislature of 1853, referring to the claims of Wm. Compton against the State of Indiana for services rendered in bringing back a fugitive from justice, be referred to the committee on claims.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Wallace introduced

Senate bill No. 104. A bill to repeal an act entitled "an act to establish a bank with branches," passed by both branches of the General Assembly of 1855, the Governor's objections to the contrary notwithstanding.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Slater of Johnson introduced

Senate bill No. 105. A bill defining misdemeanors and prescribing punishment therefor.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Hostetler introduced

Senate bill No. 106. A bill to amend the 32d section of an act entitled "an act defining misdemeanors and prescribing punishment therefor;" approved June 14, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. March introduced

Senate bill No. 107. A bill to repeal the 13th section of an act entitled "an act concerning promissory notes and bills of exchange," approved May 12, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Blair introduced

Senate bill No. 108. A bill to amend an act entitled "an act providing for the election and prescribing certain duties of county surveyors."

Which was read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to bring to the Senate the following enrolled bills thereof:

No. 11. An act to amend the second section of an act entitled "an act concerning the organization of voluntary associations, and repealing former laws in reference thereto," approved February 12, 1855, so as to authorize the formation of ferry companies.

No. 111. An act to provide for the annexation of incorporated towns to incorporated cities, and for the consolidation or union of incorporated towns and incorporated cities.

And request the signature of the President of the Senate thereto.

The President signed the bills.

#### ORDERS OF THE DAY.

#### *Senate Bills on Second Reading.*

Senate bill No. 101. An act to authorize county auditors, recorders, and surveyors to recopy maps and field notes, when the original copies are worn or defaced, and prescribing the duties of county commissioners in relation thereto, and to repeal an act entitled "an act to authorize county auditors and recorders to recopy maps and plats when the original copies are worn or defaced," approved June 15, 1852.

Was read a second time and ordered to be engrossed.

Senate bill No. 102. A bill to amend section 25 of an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with condition of said grant, approved May 29, 1852; and also to facilitate the ditching and draining of swamp lands, and to provide for the payment thereof, in certain cases therein mentioned.

Was read a second time and ordered to be engrossed.

## HOUSE BILLS ON SECOND READING.

House bill No. 166. A bill to legalize the acts of the board of trustees of the town of Mishawaka ;

Was read a second time and ordered to a third reading on to-morrow.

House bill No. 169. An act to amend an act entitled "an act to provide for the erection and repair of bridges," and to repeal an act entitled "an act to provide for the erection and repair of bridges," approved March 3, 1855;

Was read a second time, and,

On motion by Mr. Rice,

Referred to the committee on county and township business.

House bill No. 115. A bill declaring what a seal is, in contemplation of laws requiring deeds of conveyance to be sealed, and declaring the meaning of such laws;

Was read a second time, and,

On motion by Mr. Green,

Referred to a select committee of three.

The President appointed senators Green, March, and Bobbs said select committee.

House bill No. 152. A bill to fix the time of holding the circuit court in the first judicial circuit, and repealing all laws in conflict therewith;

Was read a second time and passed to a third reading on to-morrow.

House bill No. 160. A bill to provide for the support of the indigent blind, and other infirm persons;

Was read a second time, and,

On motion by Mr. Johnston,

Referred to the committee on county and township business.

House bill No. 153. A bill to amend an act regulating the fees of officers, and repealing former acts in relation thereto, approved March 2, 1855;

Was read a second time and ordered to a third reading on to-morrow.

By unanimous consent,

The order of business was suspended, and

Mr. Heffren offered the following resolution :

*Resolved,* That the select committee of the Senate, appointed to investigate the frauds and corruptions of the members of the last

Legislature, as charged in the Governor's message, and all other matters they have been instructed to inquire into, be instructed not to permit the introduction of any hearsay testimony, and that they be directed to strike from their journal all hearsay evidence upon it.

On motion by Mr. Drew,  
The resolution was laid on the table.

House bill No. 186. An act to amend the second section of an act entitled "an act prescribing the duties and fixing the compensation of State Agent," approved June 17, 1852;

Was read a second time and passed to a third reading on tomorrow.

House bill No. 109. An act to amend the 24th section of an act entitled "an act regulating descent and the apportionment of estates," approved May 14, 1852;

Was read a second time, and,

On motion by Mr. Rice,  
Referred to the committee on the judiciary.

House bill No. 129. An act to provide for the government and discipline of the State Prison, and to repeal an act to provide for the government and discipline of the State Prison, approved March 3, 1855, and all other laws or parts of laws inconsistent therewith;

Was read a second time, and,

On motion by Mr. Suit,  
Referred to the committee on the judiciary.

#### HOUSE BILLS ON THIRD READING.

House bill No. 70. An act to amend the 67th, 19th, and 20th sections of an act entitled "an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto," approved May 13th, 1852;

Was read a third time, and

Mr. Murray offered the following amendment to the bill :

Sec. —. This act shall not be construed to apply to actions brought prior to the taking effect of this act ; but such actions shall be prosecuted and determined as though this act had not been passed.

Sec. —. An emergency exists for the immediate taking effect of this act ; it shall, therefore, take effect and be in force from and after its passage.

Which was unanimously agreed to.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Drew, Ensey, Fisk, Freeland, Green, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Miller, Murray, McLean, Parker, Rice, Sage, Slater of Johnson, Stevens, Thompson and Wallace—29.

Mr. Heffren voting in the negative.

No quorum being present, the bill did not pass.

On motion by Mr. Murray,  
A call of the Senate was ordered.

The Secretary proceeded with the call.

On motion,

Messrs. Alexander, Mathes, Richardson and Tarkington were excused from a further call.

The Secretary finished the call; and it was found that the following senators were absent:

Messrs. Crouse, Gooding, Hargrove, McClure, Rugg, Weir, Weston, Wilson and Yaryan.

On motion by Mr. Suit,  
The further call of the Senate was suspended.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Drew, Ensey, Fisk, Freeland, Green, Griggs, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Miller, Murray, McCleary, McLean, Parker, Rice, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Thompson and Wallace—33.

Mr. Heffren voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.



## SENATE BILLS ON THIRD READING.

Senate bill No. 72. A bill to amend the first section of an act entitled "an act authorizing proceedings to try the right of property seized by virtue of any writ of execution or attachment, and claimed by any person other than the executor or attachment defendant," approved June 10, 1852;

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Drew, Ensey, Fisk, Freeland, Green, Griggs, Heffren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Miller, Murray, McCleary, McLean, Parker, Rice, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Thompson and Wallace—33.

Mr. Mansfield voting in the negative.

So the bill passed.

*Ordered,* That the secretary inform the House thereof.

Senate bill No. 77. A bill to amend an act establishing general provisions respecting corporations, approved June 15, 1852;

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Drew, Ensey, Fisk, Freeland, Green, Griggs, Hendry, Hill, Johnston, Kinley, March, Miller, Murray, McLean, Parker, Rice, Sage, Slater of Johnson, Stevens, Suit, Thompson and Wallace—28.

*Those who voted in the negative were,*

Messrs. Crane, Heffren, Hostetler, Mansfield, McCleary and Slater of Dearborn—6.

So the bill passed.

*Ordered,* That the secretary inform the House thereof.

Senate bill No. 95. A bill to amend section 651 of an act entitled "an act to enforce mechanics liens on buildings," approved June 18, 1852;

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Blair, Bobbs, Burke, Chapman, Cooper, Crane, Crevens, Drew, Ensey, Fisk, Freeland, Green, Griggs, Hendry, Hill, Hostetler, Kinley, March, Miller, Murray, McLean, Parker, Rice, Slater of Johnson, Stevens, Suit, Thompson and Wallace—28.

*Those who voted in the negative were,*

Messrs. Heffren, Johnston, Mansfield, McCleary, Sage and Slater of Dearborn—6.

So the bill passed.

On motion by Mr. Hostetler,  
The vote on the final passage of the bill was reconsidered.

On motion by Mr. Murray,  
The vote ordering the bill to be engrossed was reconsidered.

On motion by Mr. Murray,  
The bill was recommitted to the select committee that originally reported it to the Senate.

#### SENATE JOINT RESOLUTIONS ON THIRD READING.

No. 5. A joint resolution in relation to printing the Revised Statutes in German.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Drew, Fisk, Green, Heffren, Hostetler, March, Mansfield, Miller, McCleary, Slater of Dearborn, Slater of Johnson, Stevens and Wallace—13.

*Those who voted in the negative were,*

Messrs. Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Ensey, Freeland, Griggs, Hendry, Hill, Johnston, Kinley, Murray, Parker, Rice, Sage, Suit, and Thompson—20.

No quorum present.

On motion by Mr. Green,  
The Senate adjourned.

TUESDAY MORNING, 9 O'CLOCK,  
February 17, 1857. }

The Senate met.

The reading of the journal was dispensed with.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Green, from the committee on corporations, made the following report :

MR. PRESIDENT :

The committee on corporations, to whom was referred Senate bill No. 33, A bill to provide for the sale of freights shipped on railroads, boats and other public conveyances, to pay the expense of transportation, and to prevent the loss of the same to the owner, have had the same under consideration, and have directed me to report it back to the Senate with the following amendments, and when so amended, they recommend its passage.

Amend section 1 by striking out "ten" and inserting "ninety." Also, amend section 2 by striking out "forty" and inserting "ninety."

Amend the bill by adding the following additional sections, viz :

Sec. 4. All express companies as carriers, within the meaning of this act, shall wait six months before advertising, and shall give at least thirty days notice, in some public newspaper, published nearest thereto, in addition to the notices required in this act, and in all other respects shall comply with the provisions of this act, and receive the benefits thereof, as all others to whom this act applies.

Sec. 5. The provisions of the first, second and third sections of this act shall apply to wharfingers and warehousemen, who are public depositors. *Provided*, That whenever any freights or other articles of value, shall be delivered to them by any one of the carriers contemplated by this act, they shall first pay the freights and charges due the carriers aforesaid.

Amend further, by striking from the bill the emergency clause.

The report was concurred in, the amendments adopted and the bill ordered to be engrossed.

## REPORTS FROM SELECT COMMITTEES.

Mr. March, chairman of a select committee, made the following report :

MR. PRESIDENT :

The select committee to whom was referred House bill No. 84, An act to amend the 31st section of an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties ; approved June 11, 1852, with proposed amendments, have had the same under consideration, and direct me to report against the adoption of the amendment providing " that the township trustees shall have power to annex, upon the petition of a majority of citizens residing outside of the city or corporation limits," inasmuch as provision is made for such annexation in the present law and other proposed amendments. I am also directed to report in favor of the adoption of the other proposed amendments, and to recommend the passage of the bill when thus amended.

The report was concurred in, and the bill ordered to a third reading on to-morrow.

## RESOLUTIONS.

On motion by Mr. Ensey,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of so amending the law relating to the jurisdiction of justices, so as to make debts collectable in the same township where they were contracted.

On motion by Mr. Hostetler,

*Resolved*, That the committee on education be instructed to report a bill to amend the present school law so as to make each congressional township, a township for school purposes, and also amend so that the tax assessed and collected in the several counties (except that portion assessed and collected from corporations) be distributed in the several counties where the same is assessed and collected, to the several congressional townships, in proportion to the number of children in each township, to the whole number within the county.

## ORDERS OF THE DAY.

*Senate Bills on final passage.*

Senate bill No. 2. A bill to amend the 18th and 19th sections

of an act entitled "an act prescribing the powers and duties of justices of the peace in State prosecutions;" approved May 29th, 1852.

Being on its final passage, and

The question being shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Blair, Crane, Crouse, Ensey, Freeland, Green, Griggs, Heffren, Hill, McLean, Rice, Sage, Stevens, Weir, and Yaryan—15.

*Those who voted in the negative were,*

Messrs. Alexander, Bobbs, Brown, Burke, Chapman, Cooper, Cravens, Drew, Fisk, Hargrove, Hendry, Hostetler, Johnston, Kinley, March, Mansfield, Miller, Murray, McCleary, McClure, Parker, Slater of Dearborn, Slater of Johnson, Tarkington, Thompson and Wallace—26.

So the bill did not pass.

#### HOUSE BILLS ON THIRD READING.

House bill No. 153. An act to amend an act regulating the fees of officers and repealing former acts in relation thereto; approved March 2, 1855.

Was read a third time.

The question being shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Green, Griggs, Hargrove, Heffren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Miller, McCleary, McClure, McLean, Parker, Rice, Sage, Slater of Dearborn, Slater of Johnston, Stevens, Tarkington, Wallace, Weir and Yaryan—37.

*Those who voted in the negative were,*

Messrs. Freeland, Murray and Thompson—3.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

House bill No. 166. An act to legalize the acts of the board of trustees of the town of Mishawaka.

Was read a third time.

The question being shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Green, Griggs, Hargrove, Heffren, Hendry, Hill, Johnston, Kinley, March, Mansfield, Miller, Murray, McClure, Parker, Rice, Sage, Slater of Johnson, Stevens, Suit, Thompson, Weir and Yaryan—35.

*Those who voted in the negative were,*

Messrs. Hostetler and McCleary—2.

So the bill passed.

*Ordered,* That the secretary inform the House thereof.

House bill No. 152. An act to fix the time for holding the circuit courts in the first judicial circuit, and repealing all laws in conflict therewith;

Was read a third time.

The question being shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Green, Griggs, Hargrove, Heffren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Miller, Murray, McCleary, McClure, Parker, Rice, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Thompson, Weir and Yaryan—33.

No Senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

#### SENATE BILLS ON THIRD READING.

Senate bill No. 68. A bill to amend the 14th section of an act entitled "an act to establish courts of common pleas and defining the jurisdiction and duties of, and providing compensation for the judge thereof;

Was read a third time.

The question being shall the bill pass,

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Fisk, Ensey, Freeland, Green, Griggs, Hargrove, Heffren, Hendry, Hill, Hostetler, Kinley, March, Mansfield, Murray, McCleary, McClure, McLean, Parker, Rice, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Weir and Yaryan—38.

*Those who voted in the negative were.*

Messrs. Crane and Johnston—2.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Senate bill No. 73. A bill to provide for the disposition of real estate of aliens dying, or having died intestate or testate, without heirs or devisees capable of taking such real estate by devise or descent;

Was read a third time.

The question being, shall the bill pass,

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Crouse, Drew, Ensey, Fisk, Freeland, Green, Griggs, Heffren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Miller, Murray, McCleary, McClure, McLean, Parker, Rice, Sage, Slater of Dearborn, Stevens, Suit, Tarkington, Thompson, Wallace, Weir and Yaryan—39.

Mr. Cravens voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Senate bill No. 93. A bill to prevent betting on elections, and providing punishment for the same;

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Green, Griggs, Hargrove, Hendry, Hill, Hostetler, Johnston, Kin-

ley, March, Miller, Murray, McLean, Rice, Sage, Stevens, Suit, Tarkington, Thompson, Wallace and Weir—34.

*Those who voted in the negative were,*

Messrs. Heffren, Mansfield, McCleary, McClure, Slater of Dearborn and Yaryan—6.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Senate bill No. 31. An act supplemental to the 9th article of an act entitled “an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity ; approved June 18, 1852.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Drew, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, Murray, Parker, Rice, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Wallace, Weir and Yaryan—28.

*Those who voted in the negative were,*

Messrs. Alexander, Fisk, Hargrove, Heffren, Hostetle., Kinley, Miller, McCleary, McClure, Sage and Slater of Dearborn,—11.

So the bill passed.

*Ordered,* That the Secretary inform the house thereof.

By unanimous consent,

The order of business was suspended, and

Mr. Suit offered the following preamble and resolution :

WHEREAS, James Peirce and Henry Nisbit incurred expenses in the year 1855, amounting to the sum of \$181 30, in pursuing a fugitive from justice, from Dearborn county, in this State, who broke jail and after said arrest was convicted and sentenced to the State prison for four years, therefore,

*Resolved,* That the committee on claims be directed to enquire



into the expediency of allowing said claim in the specific appropriation bill.

Which was adopted.

#### HOUSE BILLS ON THRID READING.

House bill No. 81. An act to amend an act entitled an act to define misdemeanors and prescribing punishment therefor; approved June 14, 1852.

Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Green, Griggs, Hargrove, Hendry, Hill, Hostetler, Kinley, March, Miller, Murray, McLean, Parker, Rice, Sage, Stevens, Suit, Thompson and Wallace—32.

*Those who voted in the negative were,*

Messrs. Heffren, Johnston, Mansfield, McCleary, McClure, Slater of Dearborn, Slater of Johnson and Tarkington—8.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

House bill No. 128. A bill to cure defective sales made by administrators, where the heirs have been notified by publication or summons;

Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Green, Griggs, Hargrove, Heffren, Hendry, Hill, Johnston, Kinley, March, Mansfield, Miller, Murray, McCleary, McClure, McLean, Parker, Rice, Sage, Slater of Johnson, Stevens, Suit, Tarkington, Thompson and Wallace—37.

*Those who voted in the negative were,*

Messrs. Alexander, Hostetler and Slater of Dearborn—3.

So the bill passed,

*Ordered,* That the Secretary inform the House thereof.

House bill No. 57. An act legalizing the acknowledgments of all deeds and mortgages required to be recorded, taken and certified by justices of the peace, to whom commissions have been regularly issued, by mistake before the expiration of the term of office of their predecessors;

Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Griggs, Hargrove, Heffren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Miller, Murray, McCleary, McClure, McLean, Parker, Rice, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Thompson and Weir—40.

No Senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

House bill No. 5. A bill to amend the 10th section of an act entitled "an act for the incorporations of towns, defining their powers, providing for the election of officers thereof and declaring their duties; approved June 11th, 1852, and supplemental thereto;

Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Green, Griggs, Hargrove, Hendry, Hill, Johnston, Kinley, March, Mansfield, Murray, McLean, Parker, Rice, Sage, Stevens, Suit, Tarkington, Thompson, Weir and Yaryan—32.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Heffren, Hostetler, McCleary, McClure and Slater of Johnson—7.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

House bill No. 10. A bill to provide for the approval of official bonds, in cases not now provided for by law.

Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Green, Griggs, Hargrove, Hendry, Hill, Johnston, Kinley, March, Mansfield, Miller, Murray, McClure, McLean, Parker, Rice, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Wallace, Weir and Yaryan—38.

Mr. Hostetler voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

#### HOUSE RESOLUTIONS ON THIRD READING.

House joint resolution No. 1. A joint resolution declaring it unconstitutional and impolitic for the State to purchase the Wabash and Erie Canal;

Was read a third time.

The question being, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Green, Griggs, Hargrove, Heffien, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Miller, Murray, McCleary, McClure, Parker, Rice, Sage, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Wallace, Weir and Yaryan—40.

No senator voting in the negative.

So the joint resolution passed.

*Ordered,* That the secretary inform the House thereof.

#### SENATE BILLS ON THIRD READING.

Senate bill No. 84. A bill to amend an act regulating the fees of officers, and repealing former acts in relation thereto;

Was read a third time.

Mr. Johnston moved to amend the bill by adding, in the proper place, after the word "collecting," the words "the aggregate amount of all."

Which was unanimously agreed to.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Green, Hargrove, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Miller, Murray, McLean, Parke, Rice, Sage, Stevens, Suit, Thompson, Wallace, Weir and Yaryan—35.

*Those who voted in the negative were,*

Messrs. Griggs, Heffren, McCleary, McClure and Tarkington—5.

So the bill passed.

*Ordered,* That the secretary inform the House thereof.

Senate bill No. 86. A bill to amend the 11th section of an act to provide for the erection and repair of bridges, and to repeal an act entitled "an act to provide for the erection and repair of bridges, approved May 12, 1852;" approved March 3, 1852;

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Blair, Bobbs, Brown, Cooper, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Green, Hargrove, Heffren, Hostetler, Johnston, March, Mansfield, McCleary, McClure, McLean, Parker, Rice, Sage, Stevens, Wallace, and Yaryan—24.

*Those who voted in the negative were,*

Messrs. Burke, Crane, Hendry, Hill, Kinley, Miller, Murray, Suit, Tarkington and Thompson—10.

So the bill did not pass, for want of a constitutional majority.

#### SENATE JOINT RESOLUTIONS ON THIRD READING.

Senate joint resolution No. 6. A joint resolution to authorize the Superintendent of Public Instruction to furnish the Penitentiary with one township library;

Was read a third time.

Mr. Murray offered the following amendment:

*“ Be it further resolved,* That an emergency exists for the immediate taking effect of this joint resolution, it shall, therefore, take effect and be in force from and after its passage.

Which was unanimously adoption.

The question being shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Drew, Ensey, Fisk, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Miller, Murray, McCleary, McClure, McLean, Rice, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Wallace, Weir and Yaryan—34.

*Those who voted in the negative were,*

Messrs. Cravens, Hargrove, Johnston and Mansfield—4.

So the joint resolution passed.

*Ordered,* That the Secretary inform the House thereof.

Senate joint resolution No. 5. A joint resolution in relation to printing the revised statutes in German.

Was read a third time.

Mr. Sage moved to indefinitely postpone the consideration of the joint resolution.

The ayes and noes being demanded by Senators McCleary and Drew,

*Those who voted in the affirmative were,*

Messrs. Blair, Burke, Crane, Crouse, Ensey, Freeland, Griggs, Hendry, Murray, Parker, Sage, Stevens, Suit, Thompson, Weir, and Yaryan—16.

*Those who voted in the negative were,*

Messrs. Alexander, Bobbs, Brown, Chapman, Cravens, Drew, Fisk, Green, Hargrove, Heffren, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Miller, McCleary, McClure, McLean, Rice, Slater of Dearborn, Slater of Johnson, Tarkington and Wallace—25.

S. J.—26.

So the consideration of Senate joint resolution No. 5 was not indefinitely postponed.

The question being shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Bobbs, Brown, Drew, Fisk, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Miller, McClure, McLean, Rice, Slater of Dearborn, Slater of Johnson, Tarkington and Wallace—18.

*Those who voted in the negative were,*

Messrs. Bearss, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, Murray, McCleary, Parker, Sage, Stevens, Suit, Thompson, Weir and Yaryan—23.

So the joint resolution did not pass.

#### HOUSE BILLS ON THIRD READING.

House bill No. 108. A bill authorizing the appointment of special administrators and prescribing their duties in certain cases; Was read a third time.

The question being shall the bill pass.

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Green, Griggs, Hefren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Miller, Murray, McCleary, McClure, McLean, Parker, Rice, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Tarkington, Thompson and Weir—37.

No senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

House bill No. 125. An act to vest certain rights in married women whose husbands have left the State, without making suitable provision for their maintenance, or whose husbands are confined in the State prison;

Was read a third time.

The question being shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Hostetler, Johnston, Kinley, March, Miller, Murray, McClure, Parker, Rice, Sage, Slater of Johnson, Stevens, Suit, Tarkington, Weir and Yaryan—30.

*Those who voted in the negative were,*

Messrs. Brown, Fisk, Hargrove, Heffren and Mansfield—5.

So the bill passed.

*Ordered*, That the secretary inform the House thereof.

House bill No. 186. An act to amend the 2d section of an act entitled "an act prescribing the duties and fixing the compensation of State Agent:" approved June 17, 1852.

Was read a third time.

The question being shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Bobbs, Brown, Burke, Cooper, Crane, Cravens, Crouse, Ensey, Fisk, Freeland, Gooding, Green, Griggs, Hargrove, Heffren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Miller, McClure, Parker, Rice, Sage, Slater of Dearborn, Stevens, Suit, Tarkington, Thompson and Wallace—35.

Mr. Murray voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

On motion by Mr. Slater of Dearborn,  
The Senate adjourned.

2 O'CLOCK, P. M.

The Senate met.

Mr. Wallace moved to reconsider the vote taken on the final passage of Senate bill No. 84. A bill to amend the 9th section of an act regulating the fees of officers, and repealing all former acts in relation thereto ; approved March 2, 1852.

Which was agreed to.

On motion by Mr. Slater of Dearborn,  
The bill was laid on the table.

#### SPECIAL ORDERS.

The hour having arrived for the consideration of Senate bill No. 59. A bill to amend an act entitled "an act concerning interest on money;" approved May 27, 1852, and to repeal section 51 of "an act defining misdemeanors and prescribing punishment therefor;" approved June 14, 1852. Also,

Senate bill No. 44. An act to amend an act entitled "an act concerning interest on money;" approved May 27, 1852, and

House bill No. 6. A bill to amend an act entitled "an act concerning interest on money; approved May 27, 1852.

Which were made the special order for to-day at 2 o'clock, P. M.

On motion by Mr. Heffren,

The further consideration of said bills was postponed till tomorrow at 10 o'clock, A. M.

On motion by Mr. Murray,

The Senate adjourned.



WEDNESDAY MORNING, 9 O'CLOCK, }  
February 18, 1857. }

The Senate met.

The reading of the journal was dispensed with.

The President laid before the Senate the following communication :

SINKING FUND OFFICE, }  
Indianapolis, February 16, 1857. }

HON. A. A. HAMMOND,

*President of the Senate:*

SIR:—I am requested by resolution of the Senate to communicate the name, residence and amount loaned to borrowers of the Sinking Fund. To make this report it will require some time, as it must, of necessity, be quite voluminous, the borrowers being numerous. As soon as it can be done with the force at my command, it will be laid before the Senate.

I have the honor to be,

Your obedient servant,

E. DUMONT, *Pres't.*

The President laid before the Senate the following communication :

OFFICE OF THE STATE BANK OF INDIANA, }  
Indianapolis, February 16, 1857. }

HON. A. A. HAMMOND,

*President of the Senate:*

SIR:—In compliance with the resolution of the Senate, "that the President of the State bank be requested to furnish the Senate with a statement of the amount of circulation on the 31st of December, 1856, the amount thereof retired and destroyed up this time, and on what branches; and the probable period of time that will be required to call in their circulation;" I have the honor to state as follows :

The amount of circulation issued up to and outstanding on the 31st day of December, 1856, entire, was,  
as reported by the branches,.....\$4,208,

[Four million two hundred and eight thousand seven hundred and twenty-five dollars and fifty cents.]

The amount returned and destroyed up to this time is	\$452,612 00
Besides which there is returned for canceling.....	\$27,590 00
	<hr/>
	\$480,202 00

The notes which have been destroyed as above were issued by the following branches, to-wit:

Lawrenceburgh branch .....	\$100,909 00
New Albany branch.....	70,200 00
Indianapolis branch .....	131,629 00
Terre Haute branch .....	29,500 00
Richmond branch .....	3,661 00
Lafayette branch .....	37,863 00
Madison branch.....	78,072 00
Evansville branch.....	778 00
	<hr/>
	\$452,612 00

The notes returned for canceling are from the following branches:

Vincennes.....	\$20,000 00
Bedford.....	6,827 00
Michigan City .....	763 00
	<hr/>
	\$27,590 00
	<hr/>
	\$480,202 00

In addition to which, from the information received recently I have reasons to believe that probably upwards of \$100,000 more has been redeemed by the branches but which is not yet registered for canceling, which if it amounts to \$120,000, will make the whole amount redeemed and returned from circulation within the first month, (as the above mostly refer to the redemptions in the month of January,) will make the sum of \$600,000, being one seventh of the whole circulation.

It is difficult to reply to the latter point of the enquiry of the Senate as to "the probable period of time that will be required to call in their circulation."

Inasmuch as it has never been the policy of the bank, unnecessarily to press her debtors, it is not supposed that the branches will deal severely with them to enable them to call in their circulation, precipitately, especially as the above statement shows that it is brought home for redemption as rapidly as it can be registered for destruction.

The amount of the debts owing to the bank on the 31st day of December was \$6,095,368 00 of which it is probable but a very small part has been discharged, in the returning of the circulation already redeemed.

What length of time it will require to close the affairs of the bank is somewhat conjectural, but on that point I think I can say with prudence that it can be done within the time prescribed by the charter, that is to say on or before the first day of January, 1859. The circulation of the bank, should its redemption progress with the same rapidity indicated by the amount redeemed since the first of January, 1857, would of course be retired short of the time.

The coin, for most that has been redeemed, has gone into the hands of the brokers, for the people at large have as yet presented at our counter, comparatively, but a small amount of notes since the first day of January, 1857.

It is thought therefore by some, that when the supply of brokers is exhausted our notes will be presented with less rapidity. Time alone can demonstrate the correctness of the opinion. Besides redeeming our circulation the assets of the banks, consisting of notes, bills, judgments, real estate, &c., must be converted into money. The debts of the bank must be paid before the State or private stockholder can receive anything on the stock, for the claim of the billholder, depositor and other creditor is a preferred and paramount demand.

The bank is the trustee of both creditor and stockholder appointed by the charter, but the trust in favor of the latter cannot be executed till all just demands against the bank are paid.

When the debts are paid and the assets converted it will then be known what is due the State, and individual stockholders as their distributive share, and payment made accordingly. All proper exertions on the part of the bank will be made to execute the important trust confided to her; to do it time and labor is required, but I see no reason to doubt its accomplishment within the time indicated by the charter, so that at that time the Sinking Fund Commissioners, as prescribed by the charter, can receive what is due the State, and the individual stockholder what is due to him.

I have the honor to be,

Your obedient servant,

E. DUMONT.

Which,

On motion by Mr. Burke,

Was laid on the table and 100 copies ordered to be printed for the use of the Senate.

The President laid before the Senate the following communications:

OFFICE OF AUDITOR OF STATE, }  
Indianapolis, February 17, 1857. }

HON. A. A. HAMMOND,

*President of the Senate:*

SIR:—I have the honor to transmit a reply to the Senate resolu-

tion of the 14th inst., making certain inquiries in regard to swamp lands, which you will please lay before the Senate.

Very respectfully,

Your ob't servant,

JOHN W. DOOD,

*Auditor of State.*

OFFICE AUDITOR OF STATE, }  
Indianapolis, February 17, 1857. }

HON. A. A. HAMMOND,

*President of the Senate :*

SIR:—In reply to a resolution of the Senate, requiring the Auditor of State to report the amount of funds received into the State Treasury for the sale of swamp lands, and the amount undisposed of, to the several commissioners of swamp lands, I have the honor to state :

That the whole amount received from sales of swamp lands, the amount unexpended, and the balance, in the treasury, due the swamp land fund, up to the first of November last, will be found on page 32 of the report of my predecessor for 1856.

The account may be stated as follows :

Received from the general land office for sales of lands which were afterwards selected as swamp lands ..	\$12,185 82
Received from register and receiver for sales of swamp lands under the act of 1851.....	60,656 76
Received for sales by county treasurers under the act of 1852 ..	809,472 18
Making total as stated in report .....	\$882,314 76
Deduct total expenditures .....	653,349 32
Balance due the fund ..	\$228,965 44

Statement No. 5 in the report of my predecessor for 1856 shows the balance due each county from sales by county treasurers only—the amount received from the general government and the amount received from the registers and receivers under the act of 1851 not having been apportioned. These amounts, however, are included in the balance reported to be due to the general swamp land fund.

The reports of the Auditor of State for the last three years, show that not only the amounts reported as unapportioned among the counties, but a large amount of the sales by county treasurers, and which stands to the credit of the counties, has been used by the State to meet deficiencies in the general fund ; and the report of my predecessor shows that the balance due the swamp land fund has been materially diminished during the last two years.

No description of lands for which the general government refunded the amount above stated, viz : \$12,185 82, has been received at this office, and no distribution can of course be made of that sum until such information is received.

The sales by the registers and receivers under the act of 1851, are recorded on the tract book in the office as they were reported, without being designated by counties, and the apportionment of the proceeds by counties, involves an extra labor for which, it is to be regretted, the act of 1855 provided no compensation.

Since the close of the last fiscal year and the report of my predecessor, there has been paid to the several counties over and above the receipts on account of swamp lands, the sum of \$45,000, which taken from the balance due the fund on the 1st of November last, leaves \$183,965 44.

A margin of *ten per cent.* on the aggregate amount of sales in favor of the State has been retained by my predecessor in office, as the estimated expense of the general fund and contingent expenses. Deducting the amount of the *ten per cent.* yet unexpended, leaves the balance in the treasury in round numbers \$148,000, to which is to be added the sum of \$5,000 received from the general government since the 1st of November last on account of sales before the swamp lands were selected.

The amount due the counties from sales made by the registers and receivers under the act of 1851, will be apportioned as soon as possible, and the amount received from the general government whenever lists of the lands for which it was refunded, can be procured from the general land office.

Respectfully,  
JOHN W DODD,  
*Auditor of State.*

Which,

On motion by Mr. Greene,

Referred to the committee on swamp lands.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bill of the Senate, without amendment :

No. 14. A bill to provide for the approval of official bonds of constables. Also,

Senate bill No. 16. A bill providing for the taxation of costs in cases where lands are attached by process from the circuit courts and courts of common pleas, when the claim is less than fifty dollars.

## REPORTS FROM STANDING COMMITTEES.

Mr. Stevens, from the committee on finance, made the following report :

MR. PRESIDENT :

The committee on finance have directed me to report the following bill :

Senate bill No. 109. An act to amend the 24th section of an act entitled an act regulating decents and the apportionment of estates, approved May 14, 1852, and to earnestly recommend its passage.

Senate bill No. 109, contained in the foregoing report,  
Was read a first time and passed to a second reading.

Mr. Yaryan, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary to whom was referred Senate bill No. 30, an act to enable the Governor, Auditor, and Treasurer of State, with the advice of the Attorney General, to compromise actions or causes of action between the State and a citizen or citizens thereof, have had the same under consideration, and directed me to report it back and respectfully recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Alexander, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary to whom was referred Senate bill No. 88, a bill to enable persons whose wives are insane to convey real estate, have had the same under consideration, and have directed me to report it back with the following amendments, and when so amended to recommend its passage:

Amend section 1 by inserting after the words "common pleas," in the twelfth line thereof, the words "or circuit court."

Amend section 1 by striking out the following words beginning in the 13th line of the section "and that said insanity had existed for a period of not less than five years preceeding such application to sell," and insert "and that said insanity is probably permanent."

Amend section 1 by adding as follows, to wit: "and to account to the wife on her recovery, if she desire it, one-third of the purchase money."

The report was concurred in, the amendments adopted, and the bill ordered to be engrossed.

Mr. Murray, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 40, "an act allowing the formation and defining the liabilities of limited partnerships," have had the same under consideration, and directed me to report it back and recommend its indefinite postponement, and ask to be discharged from the further consideration of the subject.

The report was concurred in, and the bill indefinitely postponed.

Mr. Murray, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred House bill No. 129, "an act to provide for the government and discipline of the State Prison, and to repeal 'an act to provide for the government and discipline of the State Prison,' approved March 3, 1855, and all other laws or parts of laws inconsistent therewith," have had the same under consideration, and directed me to report it back, and recommend that it be referred to the committee on State prison.

The report was concurred in, and the bill referred to the committee on State prison.

Mr. Hendry, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 49, "a bill to amend an act entitled 'an act regulating descents and the apportionment of estates,' approved May 14, 1852," have had the same under consideration and directed me to report it back and recommend its indefinite postponement, deeming such changes in the law of descents as it proposes to be inexpedient.

The bill was laid on the table.

Mr. Griggs, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred House bill No. 109, "an act to amend the 24th section of an act entitled 'an act regulating descents and the apportionment of estates,' approved May 14, 1852," have had the same under consideration, and directed me to report it back, and respectfully recommend its passage.

The report was concurred in, and the bill ordered to a third reading to-morrow.

Mr. Yaryan, from the committee on the organization of courts, made the following report :

MR. PRESIDENT :

The committee on the organization of courts, to whom was referred Senate bill No. 43, entitled "an act to amend the 38th section of an act entitled an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof, approved May 14, 1852," have had the same under consideration, and instructed me to report it inexpedient to legislate upon the subject, and recommend its indefinite postponement.

On motion by Mr. Weir,  
The bill was laid upon the table.

Mr. Crouse, chairman of the committee on corporations, made the following report :

MR. PRESIDENT :

The committee on corporations, to whom was referred House bill No. 77, "an act to amend the 1st section of an act entitled 'an act to incorporate the Cannelton Paper Mills, approved February 15, 1848,' so as to give power to manufacture other articles," have had the same under consideration, and instructed me to report it back and recommend its passage.

The report was concurred in, and the bill ordered to a third reading on to-morrow.

Mr. Brown, from the committee on corporations, made the following report :



MR. PRESIDENT :

The committee on corporations, to whom was referred House bill No. 80, "an act prescribing punishment for running railroad trains, or locomotives, across other railroads, without stopping, and to prevent carelessness and accidents in crossing," have had that subject under consideration, and have directed me to report the same back to the Senate and recommend that it be laid on the table.

The report was concurred in, and the bill laid upon the table.

On motion by Mr. Weir,

The bill was taken from the table and referred to a select committee of five.

The President appointed senators Weir, Burke, Bobbs, Slater of Johnson and Johnston said select committee.

Mr. Bobbs, chairman of the committee on the affairs of the town of Indianapolis, made the following report :

MR. PRESIDENT :

The committee on the affairs of the town of Indianapolis, to whom was referred House bill No. 23, "an act for the removal of the old buildings on the Governor's Circle, in Indianapolis, and for the improvement of the same," with pending amendment, have had the same under consideration, and have directed me to report the bill back, without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to a third reading to-morrow.

Mr. Gooding, chairman of the committee on temperance, made the following report :

MR. PRESIDENT :

The committee on temperance, in obedience to a resolution of the Senate, have directed me to report the accompanying bill :

Senate bill No. 110. An act to regulate and restrain the sale and disposal of spirituous and intoxication liquors ; to prevent drunkenness and crime, and to punish the same, and to repeal all former laws conflicting with the provisions of this act.

And a majority of said committee concur in recommending its passage.

Senate bill No. 110, contained in the foregoing report,  
Was read a first time.

Mr. Wallace moved to suspend the rules and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Gooding, Green, Griggs, Hargrove, Heffren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Miller, Murray, McClure, McLean, Parker, Rice, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Thompson, Wallace, Weir, Wilson and Yaryan—40.

*Those who voted in the negative were,*

Messrs. Blair, Mansfield and Mathes—3.

So the rules were suspended and the bill read a second time by its title.

On motion by Mr. Slater of Dearborn,

The bill was laid on the table and 100 copies ordered to be printed for the use of the Senate.

By unanimous consent,  
The order of business was suspended, and  
Mr. Cravens introduced

Senate bill No. 111. A bill to regulate and license the use and sale of liquors.

Which was read a first time.

Mr. Heffren moved that the rules be suspended and the bill read a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Blair, Brown, Crane, Cravens, Crouse, Drew, Fisk, Gooding, Griggs, Heffren, Hendry, Hill, Hostetler, March, McCleary, Parker, Slater of Johnson, Suit, Tarkington, Thompson and Wallace—21.

*Those who voted in the negative were,*

Messrs. Alexander, Bobbs, Burke, Chapman, Cooper, Ensey, Freeland, Green, Hargrove, Johnston, Kinley, Mansfield, Mathes,

Miller, Murray, McClure, McLean, Rice, Sage, Slater of Dearborn, Stevens, Wilson and Yaryan—23.

So the rules were not suspended.

Mr. Johnston moved to reject the bill.

The ayes and noes being demanded by senators Wallace and Parker,

*Those who voted in the affirmative were,*

Messrs. Ensey, Haigrove, Heffren, Johnston, Mansfield, Mathes, McClure, McLean, Sage, Slater of Dearborn, Wallace, Weir and Wilson—13.

*Those who voted in the negative were,*

Messrs. Alexander, Blair, Bobbs, Brown, Burke, Chapman, Crane, Cravens, Crouse, Drew, Fisk, Freeland, Gooding, Green, Griggs, Hendry, Hill, Hostetler, Kinley, March, Miller, Murray, Parker, Rice, Slater of Johnson, Stevens, Suit, Tarkington, Thompson and Yaryan—30.

So the bill was not rejected.

The bill passed to a second reading.

On motion by Mr. Suit,  
Leave of absence was granted Mr. Wallace until to-morrow.

#### REPORTS FROM SELECT COMMITTEES.

Mr. Suit, from a select committee, made the following report :

MR. PRESIDENT :

The select committee to whom was referred Senate bill No. 42, "A bill relative to the salaries of public officers, and providing the manner of paying the same," have had the same under consideration, and have directed me to report it back with the following amendments, and when so amended, respectfully recommend its passage.

Amend the first clause of the first section by striking out "three" and insert "two."

Amend second and third clause by striking out the words, "and five hundred."

Amend fourth clause by striking out "one thousand" and inserting "five hundred."

Amend by striking out the fifth clause.

Amend section 10 by striking out "ten" and inserting "one;" and add the following :

Sec. —. The terms of the Supreme Court shall be extended from 30 to 60 days each term, for the purpose of disposing of the increased business of the court.

Sec. —. The judges of the circuit courts in vacation, shall hold special terms for the trial of persons charged with felony, whenever called upon so to do by the sheriff, auditor and treasurer of any county in their circuit; such circuit judge designating the time of hold such court.

And amend the title so as to read : "An act relative to the duties and salaries of certain public officers."

On motion by Mr. Murray,  
The report and amendments were laid upon the table.

#### SPECIAL ORDERS.

The hour having arrived for the consideration of the three following bills on the subject of "interest on money," made the special order for to-day at 10 o'clock, A. M. The Senate proceeded to the consideration of Senate bill No. 44. An act to amend an act entitled "an act concerning interest on money;" approved May 27, 1852.

On motion by Mr. Stevens,  
The bill was laid on the table.

Also, House bill No. 6, A bill to amend an act entitled "an act concerning interest on money;" approved May 27, 1852.

Mr. Heffren moved that the bill be indefinitely postponed ;

The ayes and noes being demanded by senators Heffren and Sage,

*Those who voted in the affirmative were,*

Messrs. Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Drew, Freeland, Gooding, Griggs, Hargrove, Heffren, Hendry, Hill, Hostetler, Mansfield, Mathes, Miller, Murray, McCleary, McClure, Slater of Dearborn, Suit, Tarkington and Thompson—27.

*Those who voted in the negative were,*

Messrs. Alexander, Crouse, Ensey, Fisk, Green, Johnston, Kinley, March, McLean, Rice, Sage, Slater of Johnson, Stevens, Weir, Wilson and Yaryan—16.

So the bill was indefinitely postponed.

And Senate bill No. 59. A bill to amend an act entitled "an act concerning interest on money," approved May 27, 1852, and to repeal section 51 of "an act defining misdemeanors and prescribing punishment therefor;" approved June 14, 1852.

Mr. Suit moved to indefinitely postpone the consideration of the bill;

The ayes and noes being demanded by senators Murray and Crane.

*Those who voted in the affirmative were,*

Messrs. Blair, Brown, Bobbs, Chapman, Cooper, Crane, Crouse, Drew, Fisk, Gooding, Green, Griggs, Hargrove, Heffren, Hill, Hostetler, Mansfield, Mathes, Murray, McCleary, McClure, McLean, Sage, Slater of Dearborn, Stevens, Suit, Tarkington, Thompson and Wilson—31.

*Those who voted in the negative were,*

Messrs. Alexander, Burke, Cravens, Freeland, Johnston, Kinley, March, Miller, Rice and Weir—10.

So the bill was indefinitely postponed.

#### REPORTS FROM SELECT COMMITTEES.

Mr. Green, from a select committee, made the following report:

MR. PRESIDENT :

The select committee, to whom was referred House bill No. 115, An act declaring what a seal is in contemplation of law, requiring deeds of conveyance to be sealed, and declaring the meaning of such laws, have had the same under consideration, and have directed me to report the same back with the following amendment, and when so amended, to recommend its passage.

Amend by striking out all after the enacting clause and inserting the following :

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That all conveyances of lands or any interest therein, heretofore made by deed in writing, subscribed and duly acknowledged by the grantor, or by his attorney, and all certificates of acknowledgment of any conveyance of lands or of any interest therein, taken before any person duly authorized to take such acknowledgments, and not required by law, to have and keep an official seal of office, shall have the same legal effect as if such conveyance or certificate

had been under seal, and the record thereof shall be as effectual notice to subsequent purchasers, and for all purposes as if the conveyance or certificate had been under seal or an ink scroll.

Sec. 2. All certificates of acknowledgment to conveyances of lands or any interest therein, heretofore executed in good faith and for a good and valuable consideration, taken before the Revised Statutes of 1852 came in force and effect, when any such certificate contains in substance all that is requisite under the law in force by the Revised Statutes of 1838, shall in all such cases, be taken and deemed to be good and sufficient certificates of acknowledgments as to all persons so making acknowledgment, whether married women or other persons, and the record thereof shall be as effectual for all purposes as if such certificate had been in the exact form heretofore required by the laws of this State.

Sec. 3. Hereafter the affixing of a private seal or ink scroll shall not be necessary to give validity to any conveyance of lands or of any interest therein, executed by a natural person, nor shall it be necessary for the officer taking the acknowledgment of the same to use an ink scroll or seal, unless he be an officer required by law to keep an official seal.

The report was concurred in, the amendment adopted and the bill ordered to a third reading on to-morrow.

Mr. Johnston, from a select committee, made the following report :

MR. PRESIDENT :

The select committee, to whom was referred Senate bill No. 63, A bill to amend the 6th, 20th, 2d, 78th, 79th, 96th, 109th and 194th sections, and to repeal section 99 of an act entitled "an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State, approved June 1, 1852, and to provide for the assessment and taxation of banks, brokers, stock-jobbers, insurance companies, trust companies, savings institutions, gas companies and other joint stock companies, whose taxation is not specially provided for, and accompanying amendments, have had the same under consideration, and have directed me to report it back with the following additional amendments :

Amend the first section by inserting after the words "estate," in the 47 line, the following, "and the buildings thereon."

Amend the same line by striking out the word "or" and insert "University or," and also, after the word "incorporated" "or unincorporated."

Amend the same section, 49th line, by striking out the words "for which it is incorporated," and insert "aforesaid."

Amend section 2, by inserting after the word "stock," in the 21st line, "not taxable to any incorporated company in this State."

Amend section 6, by inserting after the word "section," in the 17th line, "and such sale is hereby declared void."

Amend section 9, in the 9th line, by inserting after the word "thereof," "to be sworn as provided in the act to which this is an amendment."

The report was concurred in, and the amendments adopted.

Mr. Tarkington moved to amend the bill as follows, viz :

"That section 73, of the above recited act, which reads as follows, to-wit :

'Sec. 73. It is hereby made the duty of each and every assessor in this State, in making his returns to the auditor of his county, of the taxables in his township, as provided in this act, to set down in appropriate columns, the number of domestic and farm animals of all kinds, and the quantities in bushels and tons, of farm products of every kind, in his township. It is, also, hereby made the duty of each and every county auditor in this State, without unreasonable delay, after receiving from the township assessors the statements particularly mentioned in this section, to report the same, under appropriate heads, to the Auditor of State. The Auditor of State, in making his annual report to the General Assembly, shall embody therein a condensed statement, in tabular form, of the matters contained in the reports made to him by county auditors, as required by this section, exhibiting the products of each county and the aggregate for the entire State;' be, and the same is hereby hereby repealed."

Which amendment was agreed to.

On motion by Mr. Tarkington,

The bill was further amended by striking out the proviso from section 194.

Mr. Johnston moved to further amend the bill, by adding at the end of section one :

"No property belonging to any secret society or organization, shall be exempt from taxation under any of the provisions of this act."

Which was not agreed to.

Mr. Drew moved to further amend the bill as follows, to-wit :

*Provided*, That any of such grounds or buildings as may be

rented or appropriated for other purposes than those herein specified, shall be subject to the same rate of taxation as other property.

Which was agreed to.

The bill, as amended, was order to be engrossed and read a third time on to-morrow.

Mr. Hill, from a select committee, made the following report :

MR. PRESIDENT :

The select committee, to whom was referred House bill No. 132, A bill to amend an act entitled "an act declaratory of the law regulating marriages, and enforcing the provisions thereof by proper penalties ; approved March 5th, 1852. have had the same under consideration, and have directed me to report it back with the following amendment, and when so amended, to recommend its passage.

Amend section 3, by adding after the words "Society of Friends," the words " and German Baptists."

The report was concurred in, the amendment adopted, and the bill ordered to a third reading on to-morrow.

#### RESOLUTIONS.

On motion by Mr. Gooding,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency and propriety of allowing all parties to a civil action, to testify on the trial thereof, and report by bill or otherwise.

On motion by Mr. Hill,

*Resolved*. That the committee on corporations be instructed to inquire into the expediency of passing a law requiring railroad companies not to employ engineers, firemen or brakemen, who are in the habit of using intoxicating liquors as a beverage, and report by bill or otherwise.

Mr. Miller offered the following resolution :

*Resolved*. That it is the sense of this Senate, that a bill should be introduced immediately, incorporating the following provisions, viz: Township boards to be abolished, and all matters appertaining to public highways to be under the control of the several county boards. Township to remain as non-organized, subject to alteration by the boards doing county business, for school purposes. Each township to be divided into school districts, observing the divisions as now



arranged, to be numbered by the county auditor, in each of which there shall be elected one district trustee. Each school district to manage its own affairs through its trustee, and by its own vote, determine whom it will employ to teach its own schools, the length of time such school shall be taught, the amount to be paid for the same, and the amount of additional tax it will raise. The county treasurer to pay the school funds due each district to the trustee thereof, on the warrant of the county auditor. The county auditor to keep books for adjusting all school matters connected with his county, showing annually the amount due each district, for which he shall draw warrants. All other services rendered by county officers, on account of school matters, to be rendered gratuitously.

The resolution was laid on the table by the consent of the Senate.

On motion by Mr. Griggs,

*Resolved*, That the secretary of the board of trustees of the Institute for the Blind, be required to furnish the Senate a copy of the proceedings of the board, in the case of the alledged misconduct of W. C. Larrabee, late superintendent of the Institute, together with a copy of the evidence given in the cause.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Alexander introduced

Senate bill No. 112. An act to repeal section 1st of an act prescribing the duties and fixing the compensation of State Agent, approved June 17, 1852, and to provide for the election of State Agent by the people.

Was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Yaryan introduced

Senate bill No. 113. An act to secure due payments of costs in justices courts in State prosecutions.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. McClure introduced

Senate bill No. 114. A bill to amend section 23 of an act entitled "an act for the incorporation of cities."

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Cooper introduced

Senate bill No. 115. An act to amend an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Tarkington introduced

Senate bill No. 116. A bill to amend section 6, and to repeal sections 34 and 54 of an act passed March 3d, 1855, to amend an act to authorize and regulate the business of general banking; approved May 25, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Wallace introduced

Senate bill No. 117. An act to authorize master commissioners and clerks of the circuit courts, in the absence of circuit judges, and judges of the several courts of common pleas, and in counties where there are no judges resident, to issue writs of habeas corpus, and try cases arising under said writs, and to award injunctions and writs of *ne exeat*, and regulating appeals in such cases, and providing for their compenssion.

Which was read a first time and passed to a second reading.

On motion by Mr. Crouse,  
The Senate adjourned.

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2 O'CLOCK, P. M.

The Senate met.

By unanimous consent,  
The order of business was suspended, and,  
Mr. Wallace offered the following resolution :

*Resolved*, That a committee of one, consisting of the senator from Montgomery, be appointed to investigate and report the secret history of a tract laid upon the table of each senator, entitled "*The Kansas Struggle of 1856, in Congress, &c.*" Published in New York by the American Abolition Society.

Which was agreed to.

By unanimous consent,  
Mr. Alexander introduced

Senate bill No. 118. A bill to establish a bank with branches and to enable the stockholders to obtain a loan of the capital stock, upon the faith of real estate.

Which was read a first time.

On motion by Mr. Suit,

The committee on elections was granted leave to set this afternoon during the session of the Senate.

Mr. Freeland moved to suspend the rules and read Senate bill No. 118, a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Green, Griggs, Heffren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Miller, McCleary, McLean, Rice, Sage, Slater of Dearborn, Slater of Johnson, Suit, Tarkington, Wilson and Yaryan—  
34.

No Senator voting in the negative.

So the rules were suspended and the bill read a second time by its title.

On motion by Mr. Alexander,

The bill was laid on the table and 100 copies ordered to be printed for the use of the Senate.

#### ORDERS OF THE DAY.

#### *Senate Bills on third reading.*

Senate bill No. 33. A bill to provide for the sale of freights shipped upon railroads, boats and other public conveyances, to pay

the expense of transportation and to prevent the loss of the same to the owner ;

Was read a third time.

The question being shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Fisk, Freeland, Green, Griggs, Hefren, Hendry, Hill, Hostetler, Johnston, Kinley, March, McCleary, McClure, McLean, Rice, Sage, Tarkington, Thompson and Wilson—29.

*Those who voted in the negative were,*

Messrs. Alexander, Hargrove, Mansfield, Miller, Slater of Dearborn and Slater of Johnson—6.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Senate bill No. 101. An act to authorize county auditors, recorders and surveyors to re-copy maps, plats and field notes when the original copies are worn or defaced, and prescribing the duties of county commissioners in relation thereto, and to repeal an act entitled "an act to authorize county auditors and recorders to re-copy maps and plats when the original copies are worn or defaced ;"

Was read a third time.

The question being shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Gooding, Green, Hefren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, McClure, McLean, Parker, Rice, Sage, Slater of Johnston, Suit, Tarkington, Thompson, Weir, Wilson and Yaryan—36.

*Those who voted in the negative were,*

Messrs. Hargrove, Miller and McCleary—3.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Senate bill No. 86. A bill to amend the 11th section of "an act to provide for the erection and repair of bridges," and to repeal an act entitled "an act to provide for the erection and repair of bridges;" approved May 12, 1852; approved March 3, 1855.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ensey, Fisk, Hargrove, Heffren, Miller, Sage, Weir and Yaryan—8.

*Those who voted in the negative were,*

Messrs. Alexander, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Crouse, Drew, Freeland, Gooding, Green, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, McClure, Parker, Rice, Slater of Dearborn, Slater of Johnson, Tarkington, Thompson and Wilson—29.

So the bill did not pass.

Senate bill No. 102. A bill to amend section 25 of an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant, approved May 29, 1852; and also to facilitate the ditching and draining of swamp lands, and to provide for the payment thereof in certain cases therein mentioned;

Was read a third time.

On motion by Mr. Weir,

The vote ordering said bill to be engrossed was reconsidered.

On motion by Mr. Weir,

The bill was recommitted to the committee on swamp lands.

#### HOUSE BILLS ON THIRD READING.

House bill No. 84. An act to amend the 31st section of an act for the incorporation of towns, defining their powers, providing for the officers thereof, and declaring their duties; approved June 11, 1852.

Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Blair, Bobbs, Brown, Burke, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Gooding, Green, Heffren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Miller, McLean, Rice, Sage, Slater of Johnson, Thompson, Weir, Wilson and Yaryan—31.

*Those who voted in the negative were,*

Messrs. Hargrove, McCleary, McClure and Tarkington—4.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

#### SENATE BILLS ON SECOND READING.

Senate bill No. 107. A bill to repeal the 13th section of an act entitled "an act concerning promissory notes and bills of exchange," approved May 12, 1852.

Was read a second time.

Mr. Weir moved to refer the bill to a select committee of three.

Which was not agreed to.

On motion by Mr. Crane,

The bill was referred to the committee on the judiciary.

Senate bill No. 106. A bill to amend the 32d section of an act entitled "an act defining misdemeanors and prescribing punishment therefor;" approved June 14, 1852.

Was read a second time, and,

On motion by Mr. Hostetler,

Referred to a select committee of three.

The President appointed Messrs. Hostetler, Gooding and Green said select committee.

The following message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT:

I am directed by the House of Representatives to bring to the Senate the following enrolled bills of the House, and request the President to sign the same :

No. 57. An act legalizing the acknowledgment of all deeds and mortgages, and other instruments required to be recorded, taken and certified by justices of the peace to whom commissions have been regularly issued by mistake before the expiration of the term of office of their predecessors. Also,

No. 81. An act to amend an act entitled "an act defining misdemeanors and prescribing punishment therefor ; approved June 14, 1852. Also,

No. 108. An act authorizing the appointment of special administrators, and prescribing their duties in certain cases. Also,

No. 128. An act to cure defective sales made by executors or administrators, where heirs have been notified by publication or summons. Also,

No. 152. An act to fix the time of holding the circuit courts in the first judicial circuit, and repealing all laws in conflict therewith. Also,

No. 153. An act to amend an act regulating the fees of officers, and repealing former acts in relation thereto ; approved March 2, 1855. Also,

No. 166. An act to legalize the acts of the board of trustees of the town of Mishawaka. Also,

No. 186. An act to amend the 2d section of an act entitled "an act prescribing the duties and fixing the compensation of State Agent," approved June 17, 1852.

The President signed the bills.

On motion by Mr. Heffren,  
The Senate adjourned.

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THURSDAY MORNING, 9 o'clock, }  
February 19, 1857. }

The Senate met.

The reading of the journal was dispensed with.

The President laid before the Senate the following report of the Attorney General, in relation to the claim of H. K. Wright and Jacob Barcus against the State of Indiana :

OFFICE OF ATTORNEY GENERAL, }  
Indianapolis, Feb. 6, 1857. }

*To the General Assembly of the State of Indiana :*

In the matter of the claim of H. K. Wright and Jacob Barcus *vs.*  
The State of Indiana.

The undersigned, Attorney General of the State of Indiana, in pursuance of the provisions of a joint resolution passed by the General Assembly of said State, and approved March, 5, 1855, has taken testimony and investigated the claim of the said H. K. Wright and Jacob Barcus against the State of Indiana, for moneys alleged to be due on contract for the construction of a portion of the Wabash and Erie Canal below Lafayette. Which testimony together with the conclusions drawn therefrom by the undersigned, are herewith reported for the consideration of your honorable body.

J. E. McDONALD,  
*Attorney General.*

# OPINION OF THE ATTORNEY GENERAL IN THE MATTER OF THE CLAIM OF H. K. WRIGHT AND JACOB BARCUS, AGAINST THE STATE OF INDIANA.

The testimony in this case discloses the following state of facts : At the letting of a portion of the Wabash and Erie Canal, which took place in the fall of 1838, the said claimants, Wright & Barcus, became contractors for what was then known and designated as section 62, west of the mouth of the Tippecanoe River, and that a contract was duly signed for said section by the said claimants on the one part, and Thomas H. Blake, acting commissioner, for, and on behalf of the State of Indiana of the other part, on the eleventh day of September, 1838. The contract required the said Wright & Barcus to enter immediately upon the execution of the work, and to prosecute it with diligence and to the satisfaction of the engineer in charge of the same, and to fully complete it by the 1st of November, 1840 ; and that, from time to time, during the progress of the work, estimates should be made by the engineer under the direction of the commissioner, of the amount of work done, and that at least half of the amount due on such estimate should be paid by the State to the contractors, within ten days from the time they were so made ; and when they should be fully completed, if done according to contract, the same should be estimated in full,



and in ten days from said final estimate, the said contractors should receive full payment for said work at the prices stipulated in the contract. It is further shown by the testimony, that the claimants immediately commenced the prosecution of said work. On the 1st of November, 1838, they received an estimate on \$550 of work done, the sum of \$495, being the amount of work done, less 10 per cent. retained, being the usual amount retained on estimates, and that they continued to prosecute the work, and draw their estimates regularly until the 1st of November, 1839, when the State failed to furnish the necessary funds to go on with the work, under the general suspension of our public works. At that time, the claimants had, by the engineer's register, performed work to the amount of \$6,555, and had received on estimates, the sum of \$5,900. There was two other estimates paid in par funds, one in March, 1840, and the other in January, 1841, which, from the engineer's register, appears to be for work done during the suspension, and for back per centage retained; which, with former estimates, amounted to the sum of \$9,445 14. The estimates of March, 1840, and January, 1841, appears to have been made under the provisions of an act passed on the 15th day of February, 1840, authorizing payment of the 10 per cent. retained; the act above referred to, provided for the assessment and payment of damages to such contractors as might choose to relinquish their contracts; but the claimants as appears from the testimony of Nelson, the engineer, and Bodly, a commissioner, under the act to assess damages, retained their contract, and declined an assessment of their damages, as they had a right to do under the law, as it contained an express provision exempting contractors on the Wabash and Erie Canal from the operation of the act; at least, so far as the relinquishment was concerned. (See General Acts of 1840, pages 17 and 18.) It also appears from the testimony of said Bodly, that the claimants remained on their contract, and had shanties, tools, &c., for the prosecution of the work, during the time that intervened from November, 1839, until May, 1842, when the work on the line was resumed, and that during that period, and after the letting of May, 1842, according to the testimony of Nelson, the engineer, Barcus continued "to work on the contract, and prosecuted the work until it was completed, to the entire satisfaction of the officers of the State." That portion of the Canal between Lafayette and the mouth of Coal Creek, which had not been let in 1838 and 1839, was let in May, 1842, under the provisions of the act of 1841, for the extension of the Wabash and Erie Canal; the work embraced in the contract of the claimants was not included in the letting, but was placed upon the engineer's books under the original contract, and numbered 59, and the work performed by the claimants was regularly estimated and paid in the currency provided by the act of 1841 for the extension of the Canal, to-wit, Canal land scrip. The first estimate made after the State had resumed the prosecution of the Canal, under the letting of May, 1842, appears by the engineer's

register to have been made on the 19th day of May, 1842, which amounted to the sum of \$7,826 86. As the lettings took place on the — day of May, 1842, the estimate of the 10th of May, 1842, must have been for work done by the claimants between the time of the estimate of January 14, 1841, and the resumption of the prosecution of the work on the Canal by the State in May, 1842; from which it appears the claimants had done work on the contract up to the letting of 1842, in all to the sum of \$17,272, of which sum, \$9,445 14 had been paid in par funds, and \$7,826 86, in Canal land scrip. The balance of the estimates, down to the close of the work, when the contract was finished, Aug. 25, 1843, were all paid in Canal land scrip; which, with the estimate of the 19th of May, 1842, amounted in all to the sum of \$28,392 92. These payments were received and receipted for by the claimants or their agents, and, according to the testimony of James Blair, acting commissioner at that time, without objection; the last payment was made to one Rowles, whom Blair understood was authorized to receive it; but the commissioner had no conversation with Barcus after the payment to know if the final receipt was given with his sanction, and from Nelson's testimony, it appears that Mr. Barcus frequently expressed dissatisfaction as to the kind of funds in which he was paid. Rowles testifies that he had no authority to give a final receipt, so as to release the State from her liability on the contract. It further appears that the Canal land scrip depreciated, until the average value, during the period it was received by the claimant, was about fifty cents to the dollar.

The contractors, Wright & Barcus, claim that they are equitably entitled to receive from the State the difference between the actual value of \$28,392 92, of Canal land scrip paid to them as above, and par funds to which they were entitled under their contract with the State, which they had a right to demand. The question submitted for investigation is, are they legally or equitably so entitled? The conclusion to which I have arrived is, that the claimants are entitled to relief; and that if the claim was against individuals, a court would be bound to render judgment for them on the facts above stated, for the following reasons: The State has recognized her liability in cases similar to this; as in the act for the relief of Alexander McClelland, approved January 13, 1845, found in the local laws of 1844 and '45, page 124. The case of McClelland is almost identical with that of the claimants in this case; his contract was let at the same time, and was for section 59 on the same line of work, and prosecuted under the same circumstances, and finished really one year after the completion of the work of the claimants; and yet the State compensated McClelland by payment in Canal land scrip, issued for the use of the Wabash and Erie Canal, east of Tippecanoe River; a fund that was par, or nearly so, in lieu of the Canal land scrip issued for the use of the Canal west of Tippecanoe River—the funds paid to the claimants, and which,

from the testimony, was shown not to be worth more than fifty cents to the dollar.

The State recognized her liability in the case of E. L. Beard and Jesse Beard, for work done on section 5, on the same line of Canal, under circumstances far less favorable to the claimants, than in the case under consideration, and in fact, over the decision of the Supreme Court pronounced on the facts.

But the opinion of the Supreme Court, in the case of the Beards against the State, while it gives strong and cogent reasons against that claim, fully sustains the equitable right of the claimants to relief in this case; and to that opinion I refer the Legislature, as embracing the legal grounds for the conclusions arrived at by the undersigned. (See the case on page 461; vol. 1, Carter's Indiana Reports.)

The grounds upon which the Supreme Court denied relief to the Beards, in the case above cited, may be cited as follows:

1st. The evidence showed that Renner, the original contractor, had not commenced work on his contract until after the State had suspended operations on the line of the canal.

2d. That it was not assigned to the Beards until after the suspension.

3d. That the assignment was not ratified until after the State had passed the act of 1841, providing for the prosecution of the canal by the issue of canal land scrip, on the lands appropriated for the completion of the canal west of Tippecanoe river.

4th. That the Beards did not, in fact, begin the prosecution of the work until the summer of 1842, after the letting under the act of 1841.

From these facts, the court decided, that when the contract was assigned to the Beards, and at the time they commenced working upon the same, it had become a forfeited contract. In the language of the Supreme Court, "it was a dead letter, by the default as to the performance of the parties, so far as it could give the Beards any right against the State for work alleged to have been subsequently performed under it; and consequently, in subsequently performing the work, they would be bound by the law authorizing its prosecution, and that law provided for the payment of scrip, and nothing else." But, in the case under consideration, the work had been commenced and prosecuted pursuant to the contract, and about one-half of it completed before the resumption of the work by the State under the act of 1841. The contractors had tools, shanties, and all the necessary implements for carrying it forward, and it was through the failure of the State alone, in not furnishing the funds, that the work was not completed long before the act was passed authorizing the issue of scrip, in which they were finally paid. Their contract was for par funds, and they were paid in funds, which, at the time received, was worth but fifty cents to the dollar. All these things considered, in connection with the principles laid down by the Supreme Court, in the case of the Beards,

establish, in my opinion, a just claim for the difference between par funds and the actual value of the funds received.

The amount of scrip paid, as shown by the engineer's register, was \$28,392 92; its value, in par funds, at fifty cents to the dollar, \$14,196 46. This would be the amount due on the 25th of August, 1853.

If the Legislature should concur in the conclusions arrived at by the undersigned, it would be for that body to determine what sum in addition to this, by way of interest, should be added, to compensate the claimants for the delay in adjusting their demand. As between individuals, the measure of damages would be the sum above stated, and interest to the present time.

All of which is respectfully submitted,

J. E. McDONALD,  
*Attorney General.*

NOTE.—The same notice of the time and place of hearing the testimony was given in this case as in the case of the claim of Moorehead, Hall & Co., with the additional notice of the taking of Rowles' deposition in Iowa.

J. E. McDONALD,  
*Attorney General.*

## COMPLAINT OF CLAIMANT.

### STATE OF INDIANA :

Jacob Barcus complains of the State of Indiana, and says, that on the eleventh day of September, A. D., eighteen hundred and thirty eight, he, with one H. K. Wright, contracted with the State of Indiana, through Thomas H. Blake, acting commissioner for the construction of section sixty-two of the "Wabash Canal," for the sum of thirty-seven thousand eight hundred and forty-eight dollars and sixteen cents, (\$37,848 16); a copy of which contract is herewith filed, marked (A).

The said Barcus further avers, that, by the assignment of the said H. K. Wright, he became the sole contractor for said section sixty-two, a copy of which assignment is also filed herewith and marked (B); and the said Barcus further avers, that, in compliance with said contract, he completed and finished said section sixty-two, to the acceptance of the engineer of said State, and that he has received in payment therefor the sum of nine thousand four hundred and forty five dollars and fourteen cents. in money; for the residue he received, in Wabash and Erie Canal land scrip, twenty-eight thousand three hundred and ninety-two dollars and ninety-two cents—of the value of eleven thousand three hundred and fifty-seven dollars and sixteen cents—leaving due, at the completion of said work, August 25, 1843, the sum of seventeen thousand and thirty-five dollars and seventy-two cents, which sum remains

unpaid; wherefore he claims, for principal unpaid and interest thereon, for thirteen years and four months, the sum of thirty thousand six hundred and sixty-three dollars and forty-eight cents.

VOORHEES & RISTINE,

*Attorneys for Claimant.*

December 27, 1856.

## CONTRACT OF PARTIES.

### [ A ]

This agreement, made and concluded this eleventh day of September, in the year 1838, between H. K. Wright and Jacob Barcus, of the State of Indiana, party of the first part, and the Board of Internal Improvement of the State of Indiana, T. H. Blake, acting commissioner for and on behalf of said State, of the second part, witnesseth: That the said party of the first part contracts and agrees to construct, in a good, substantial, and workmanlike manner, all that part of the line of the Wabash Canal, which is included in section No. (62) sixty-two, reference being herein had to the location and map of said line made by William J. Ball, Engineer, agreeably to the following plan, that is to say: First, in all places where the natural surface of the earth is above the bottom of the canal, and where the line requires excavation, all trees, saplings, bushes, stumps and roots, shall be grubbed and dug up at least sixty ——— feet wide; that is ——— on the towing-path side of the center, and ——— wide on the opposite side of the center of the canal, and, together with all logs, brush, and wood of every description, shall be removed at least twenty feet beyond the outward line of said grubbing on each side; and on the space of twenty feet on each side of said grubbing, all trees, saplings, bushes and stumps shall be cut down close to the ground, so that no part of any of them shall be left more than one foot in height above the natural surface of the earth, and shall, also, together with all logs, brush, and wood of every kind, be removed entirely from said space. And the trees, saplings, and bushes shall also be cut down, fifteen feet wide, on each side of said space so to be cleared, and also all trees which, in falling, will be liable to break or injure the banks of the canal; and wherever the situation of the line may require, the grubbing, low chopping, and clearing shall be extended in breadth so far that no uncleared land may be occupied by the embankment or excavation. And no part of the trees, saplings, brush, stumps, wood, or rubbish of any kind, shall be felled, laid, or deposited on either side of the sections adjoining this contract. Second, the canal and banks shall be so constructed and formed, by excavation or embankment, as either or both may be necessary, in order to bring the same to the proper level, as designed by the engineers, or either of them, in the employment of

said commissioners, so that the water may, in all places, be at least forty feet wide in the canal at the surface, twenty-six feet wide at the bottom, and four feet deep. Each of the banks shall be at least two feet perpendicular measurement, above the top water line; and such a slope shall be preserved on the inner side of the banks, both above and below the top water line, that every foot perpendicular rise in said banks shall give a horizontal base of one foot nine inches. The towing-path shall be at least ten feet wide at its surface, and shall be raised to such a height above the top water line as may be designated by the engineer; and wherever a difference in the elevation of the towing path shall occur, the ascent or descent shall be such as may be directed by the engineer. The towing path shall be smooth and even, shall be composed of the best materials which the adjoining excavation will furnish, and shall be so constructed that the side next the canal will be six inches higher than the opposite side, at the surface, with an uniform and regular slope, so that the water may run off from said path. In all cases where the materials excavated shall raise a spoil bank on either side of the canal, above the exterior surface of the canal banks, it shall be placed so far from the edge of the canal as to give room for a ditch to be made, eight feet wide in the bottom and two feet deep, between said spoil bank and the towing path, or bank opposite, as the case may be; and sluices, or passages for the water, shall either be left or cut through said spoil banks, as often as the engineer having charge of the work may direct, so that the water may drain off freely from the banks in an opposite direction from the canal. The bank opposite the towing path shall in no place be less than six feet wide at the surface, and shall be smooth and even, and shall be four inches lower at the back than on the face of the bank; and neither of the banks shall have a slope of lesser base in proportion to its height on the outer than on the inner side, except when there is a redundancy of stuff increasing the width of the bank beyond the requisition aforesaid. All loose and porous materials, and those which are perishable or permeable to water, shall occupy the outer extremities of the banks; and for a distance of at least ten feet, measured outwardly, from the extremity of the top water line on each side of the bank, shall be composed, both above and below the top water line, of the most pure, solid, compact, and water-tight earth which the adjoining excavation can supply; and no vegetable mould, muck, leaves, roots, grass, weeds, herbage, logs, sticks, brush, or any other substance of a porous or perishable nature, shall be left, laid, or in any way admitted into the said space of ten feet last described, and no wood of any description shall be admitted into any part of the banks. Third, in all cases of embankment, and where the bottom line of the canal is as much as two feet above the surface of the earth, all the trees, bushes, saplings and stumps, on the space occupied by the canal and its banks, shall be cut close to the ground, and together with all logs, brush, and wood of every description, shall be removed

from a space of at least forty-five feet wide on each side of the center of the canal; and from a strip of fifteen feet wide, under each bank, to be so situated that the outer side of said strip shall be perpendicularly under the outer extremity of the banks, all the trees, bushes, stumps, and roots shall be thoroughly grubbed, and, together with all the logs, brush, roots, grass, herbage, vegetable and porous earth, shall be removed entirely without said bank, so that the banks may unite securely with the solid earth. And in all cases where the natural surface of the earth is below the surface of the water in the canal, a muck or puddle ditch shall be dug under the center of each bank, of the depth and width which may be directed, in order to guard effectually against leakage.

And the said party of the first part further covenants and agrees to build, found, and erect, in a good, substantial, and workmanlike manner, Lock No. —, conformably to the plan and specification for the same, exhibited at the time of receiving proposals for constructing the work included in this contract.

And the said party of the first part, further covenants and agrees to erect and build, in a good, substantial and workmanlike manner, all and any such aqueducts, culvert or culverts, bridges, or other mechanical structures, in such place or places, on said section No. 62, and of such material, form, dimensions, and plan, as the acting commissioner, the principal engineer, or any other engineer in the employ of the acting commissioner, may direct.

And it is mutually agreed, that all the works, on said section, or appertaining thereto, shall, during their progress, at all times be subject to the examination and careful inspection of the acting commissioner, or any engineer, or agent of the board, employed for that purpose. And the party of the first part shall conform to such rules as to the manner of doing any and of all the various kinds of work necessary for the construction of a canal on said section, works or devices connected therewith, as may, from time to time, be given or prescribed by the acting commissioner, or any engineer having charge of that part of the line; and the said party of the first part further agrees, at all times, to conform to any alteration or deviation from the present Canal line, or level, and to any alteration in the plan, form, or manner of constructing the Canal, or any of the works or devices connected therewith, or appertaining thereto, which may be prescribed or directed by the commissioner or any engineer having charge of the work. And it is further agreed that the work specified in this contract, or contemplated thereby, shall be fully completed by the party of the first part, by the first day of November, 1840.

And to prevent all disputes and misunderstandings between the parties it is mutually agreed that Wm. J. Ball, or some other competent engineer to be so selected by said board or the acting commissioner on this part of the line, shall be inspector of said works, and shall decide whether they have been performed agreeably to the requisitions of this agreement and the instructions given as

aforesaid by the commissioner or engineer. And it is further agreed, that if, in the opinion of said inspector, the party of the first part shall refuse or neglect to prosecute the work specified in this agreement in such a manner as to give reasonable assurances of its full completion by the time specified therefor, or shall neglect or refuse to conform to such rules and instructions as may be given in relation to the manner of doing the work, or to such alteration in the line, level, or plan of constructing the Canal, as may afterwards be made agreeably to the stipulations of this agreement, or shall perform, or suffer to be performed, any part of the work in an unfaithful or unworkmanlike manner, the said inspector shall, in either case, have power to determine that this contract is abandoned and forfeited by the party of the first part, and such a determination shall absolve the second party from every obligation imposed on them by this agreement: and the said commissioner may immediately thereafter proceed to dispose of the said section in the same manner as if this contract never existed. And it is further agreed that whenever this contract, in the opinion of the inspector aforesaid, shall have been completely performed, in every respect, by said party of the first part, (provided the same shall be done by the time specified,) the said inspector shall certify the same in writing under his hand, together with his estimate of amount of the various kinds of work herein specified, which shall have been done under this contract, which estimates shall be final between the parties; and thereupon the said party of the second party hereby covenants and agrees to pay, within ten days after notice of said certificates and estimate, to the said party of the first part, the sum of which, according to this contract, shall be due, agreeably to said estimate of the engineer. at the following rates of prices, to-wit:

For the grubbing and clearing, per chain of four poles in length (\$5) five dollars. For earth excavation, estimating all earth necessarily excavated between and under the banks, including loose pieces of rock or stones of less than one fourth of a cubic foot, (which are to be estimated as earth excavation) per cubic yard (21 cts.) twenty-one cents. For excavation of loose or detached pieces of rock or stones, (those only to be estimated under this item which are over one fourth of a cubic foot each,) per cubic yard        cents. For excavation of solid rock which may occur in this contract, per cubic yard        cents. For each cubic yard of full embankment, (to be measured in the bank,)        cents. For each cubic yard of single embankment (to be measured in the bank,)        cents. *Provided*, That when any embankment is, or can be formed, in whole or in part, from the earth necessarily excavated in the construction of the adjoining parts of the Canal, nothing shall be allowed for such embankment, or such part thereof as is or can be so formed, unless the earth to form the same shall be necessarily removed over one hundred feet, measuring in the direction of the center line. For excavation of lock pit, per cubic yard        cents.



For excavation of aqueduct or culvert, per cubic yard      cents.  
 For puddling around lock, aqueduct, culvert pit, per cubic yard  
     cents. For gravel in lock cribs, or in aqueduct or dam  
 abutments, per cubic yard      cents. For embankment around  
 lock, per cubic yard      cents. For square timber in lock cribs,  
 per cubic foot      cents. For square timber in aqueduct or cul-  
 vert, per cubic foot      cents. For timber in foundation of lock,  
 per cubic foot      cents. For round ties in abutments and lock  
 cribs, per cubic foot      cents. For pavement of stone about  
 lock, aqueduct, or culvert, per cubic yard      cents. For pro-  
 tection of loose stone on Canal banks, per cubic yard      cents.  
 For the bridge, framed, raised and floored      dollars. For  
 lock gates and miter sills, complete, with all necessary fixtures,  
     dollars. For masonry in cut stone lock, per cubic yard  
 cents. For masonry in culverts, or dam abutments per cubic yard  
     cents. For masonry in aqueduct abutment and piers, per  
 cubic yard      cents. For timber in aqueduct trunks, per cubic  
 foot      cents. For upright and cap timbers of combined or dry  
 wall lock, per cubic foot      cents. For three inch plank in lock  
 foundation, per square foot      cents. For two inch oak plank in  
 lock foundations, or in aqueduct trunks, per square foot      cents.  
 For two inch oak plank used in facing lock walls, per square foot  
     cents. For one inch boards used in facing lock walls, per  
 square foot      cents. For iron used in lock facing, or in aqueduct  
 trunks or dams, including spikes, per lb.      cents. For bridge  
 embankment, per cubic yard      cents.

And whenever the grubbing, clearing, or excavation of any of  
 the different kinds herein specified, embankment, or any other  
 work to be done under this contract, shall be increased or dimin-  
 ished by conforming to any alteration of the line, level, or plan of  
 the work now made, agreeably to the direction of the acting com-  
 missioner, or any engineer having charge of the work, as herein  
 before agreed, the quantity or amount of such increase or diminu-  
 tion of any or all the kinds of work herein specified, shall be esti-  
 mated by said inspector agreeably to the foregoing rules, and the  
 sum to be paid to the contractor shall be increased or diminished  
 accordingly, agreeably to the rates and prices herein before specified.

It is further expressly agreed, that the party of the first part shall  
 not sub-contract any portion of the work without the consent of  
 the acting commissioner, but shall constantly superintend in per-  
 son the work herein specified, and all parts thereof (except so far  
 as sickness or other unavoidable accident may prevent,) and a fail-  
 ure to comply with this requisition shall be considered and adjudg-  
 ed a forfeiture and abandonment of this contract on the part of the  
 said party.

It is further mutually agreed, that, at any time when in the opin-  
 ion of the inspector aforesaid, the part of the first part shall neg-  
 lect or refuse to prosecute the work specified in this agreement, or  
 any part thereof, so as to give satisfactory assurance that it will be

completed by the time stipulated herein, that the acting commissioner shall be authorized to appoint an agent to superintend said work, or such part thereof as he may deem proper. The agent so appointed shall be authorized to employ hands and to purchase the necessary materials for carrying on and completing all or any part of the work to be performed under this agreement; and his receipt for money paid him by the commissioner shall be a good and sufficient voucher against the party of the first part, and all money so paid the agent shall be charged to, and on a final settlement of the account, deducted from the sum which under this agreement, may be payable to the party of the first part.

And it is further agreed by the contracting parties, that during the progress of the construction of the work herein contemplated, estimates shall be made by the engineer having charge of the work as often as the acting commissioner may deem necessary for the successful prosecution of the work; and the engineer shall give his certificate of the quantity or amount of labor which the party of the first part shall have performed necessary under the stipulations and conditions of this agreement, and the party of the second part hereby agrees to pay, within ten days after notice of the estimate and certificate of the engineer shall have been made, to the party of the first part, one half of the amount or sum, which, according to this contract, shall at the time be due, according to the estimate of the engineer, for the labor which shall have been performed.

It is also further agreed and understood by and between the parties hereunto, that the party of the first part is held liable for the payment of the wages of all laborers who may be employed on the jobs herein contracted, or any works connected therewith, whether they be employed by the party of first part, or by any sub-contractor or agent under the said party; and when, in the opinion of the acting commissioner, it may be necessary to secure the laborers employed as aforesaid their wages; and he may think justice requires it, he is hereby authorized to pay to the said laborers the amount of their claims, and their receipts for the payment so made shall be good against the party of the first part.

It is further understood, that all the stone quarried in excavating the Canal, shall belong to the State of Indiana, unless used in constructing some of the work herein contemplated.

It is further understood and expected that the party of the first part will use all reasonable exertions to discourage and prevent the use of spirituous liquor by the laborers engaged on this contract.

And it is further agreed, that the work embraced in this contract shall be commenced on or before the first day of October, 1838.

In testimony whereof, we, the parties to this agreement, hereunto set our hands and seals, the day and year first above written.

(SIGNED TRIPLICATES,)

H. K. WRIGHT, [L. S.]

JACOB BARCUS, [L. S.]

THOS. H. BLAKE, [L. S.]

## TESTIMONY.

COVINGTON, December 30, 1856.

Being requested by the Hon. J. E. McDonald, Attorney General, to make such statement of the facts in relation to a contract between Jacob Barcus, of the one part, and Thomas H. Blake, on behalf of the Board of Internal Improvements, of the other part, as came within my knowledge, and such other matters having a bearing on a claim for further remuneration, now being prosecuted by said Barcus, arising out of said contract, I submit the following statement:

At a letting held at Covington, in 1838, there were four sections let—section 150, to A. McClelland; section 160, to M. McCall; section 161, to H. Nichols, and section 162 to Jacob Barcus. I was appointed engineer to this division in January, 1839. The work on these sections was prosecuted diligently, by all the contractors, until the failure of the State to procure funds.

At the first settlement with contractors, in 1840, under a law then just passed for the relief of contractors, providing for the payment to them of the retained ten per cent., and an assessed amount for damages, on condition of relinquishing their contract, Mr. Nichols, the only one who was not a resident citizen, relinquished, but Mr. McClelland and Mr. McCall, (for whose claims of a like nature with Mr. Barcus, the Legislature has already passed special relief laws), and Mr. Barcus declined relinquishing, on the ground of the belief then universally entertained in that section of the country, that other means would be eventually obtained for prosecuting the canal west of Lafayette. Acting under this belief, Mr. Barcus continued, without intermission, to work the section until it was completed, to the entire satisfaction of the officers of the State.

At the letting in May, 1842, of the residue of the canal, from Lafayette to Coal Creek, under a law for prosecuting the canal by an issue of canal land scrip, in arranging the numbering of the sections continuously, from Lafayette down, the number of Mr. Barcus' section was changed from 162 to 59, and all payments after that time were made in canal land scrip, at its face. This scrip became very much depreciated from its first issue, and although it subjected Mr. Barcus to great loss, to be compelled to receive it in lieu of par funds, to which he was entitled under his contract, still there was no choice left him but to receive it, in order that he might struggle through with his contract or abandon it entirely.

I can recollect of Mr. Barcus, during his prosecution of the work, after May, 1842, expressing his dissatisfaction at the kind of funds which he was obliged to receive, and speaking of the great difficulty of prosecuting the work under the circumstances. The

total amount of work on the section, estimated at contract prices, was \$37,838 06.

Of this amount, there was paid by the Board of Internal Improvements .....	\$7,190 46
By the Treasurer of State, under a special law passed January 5, 1841.....	2,254 68
Total amount paid in par funds .....	<u>\$9,445 14</u>
Total paid in canal land scrip .....	<u>\$28,392 92</u>

JOSEPH H. NELSON,  
*Formerly Engineer of the W. & B. Canal.*

Subscribed and sworn to before me, this 30th day of December, 1856.

J. C. HOLE, *Justice.* [SEAL.]

### DEPOSITION OF JAMES BLAIR.

*Taken at Perryville, December 30th, 1856, at the residence of James Blair.*

The said James Blair, a competent witness, being produced on behalf of said claimants, and duly sworn by George S. Hansicker, a justice of the peace in and for the county of Vermillion, and State of Indiana, testified as follows:

I am acquainted with the handwriting of Thomas H. Blake. The signature of the said Blake to the contract marked (A), and now to me shown, is in his handwriting. I was commissioner of the Wabash and Erie Canal in the year 1842, and the first payment made on section 59, under my administration, was made on the 19th day of May, 1842. Section 59, I believe, is the same section that was previously numbered 62, and is embraced in the contract marked (A). I was legislated out of office in December, 1843, but continued to act until my successor was appointed. During the time I was acting as commissioner, there was paid on said section 59, in all, the sum of \$28,392 92, as follows:

May 19, 1842 .....	\$7,045 00
August 1, 1842 .....	2,295 00
September 26, 1842 .....	1,005 00
December 5, 1842 .....	1,620 00
February 15, 1843 .....	1,025 00
May 13, 1843 .....	4,015 00
July 29th, 1843 .....	4,860 00
August 25, 1843 ..	6,527 92

Making a total as above stated. These payments were all made in canal land scrip, issued on the grant of lands for the construction of the Wabash and Erie Canal west of the Tippecanoe river. I think these payments were made to David Rowles; and on the last payment being made, I took a receipt as for final settlement, and the duplicate receipts were filed in the Auditor's office for the State of Indiana. We had then taken the section off the hands of the contractor, and I considered it a final payment. These receipts were taken from Rowles and the scrip paid to him; but Barcus said it was all right. I had no conversation with Barcus after the last payment was made. There never was any objection made to taking the scrip, dollar for dollar, and signing receipts for it. There was a great difference in the cost of constructing work of this kind in the years 1838-9 and 1842-3; a cost considerably more in the former years than in the latter, say about 33 per cent.

JAMES BLAIR.

Covington, Indiana, December 31, 1846.

At the clerk's office of Fountain county, Robert Hetfield, a competent witness, being duly sworn by Elias C. Wilcox, Esq., Clerk of Fountain county, and being examined on behalf of the claimant, testified as follows:

I was selling goods during the spring and fore part of the summer of 1842, in Covington, Fountain county; and was engaged in packing pork at said place the fall and winter of 1842-3, and was handling a good deal of canal land scrip. In my dealings, and in collecting debts, during the summer of 1842, when the scrip first issued, I took it for goods and on debts, from slow men, at its face; but, in money transactions, it was not worth more than 80 cents to the dollar. It depreciated after the land sales in the fall of 1842, and its general range, during that fall and the winter following, was from 50 to 60 cents to the dollar. In the summer of 1843 it went down still lower, and I should say the average value of scrip, from the 15th day of May, 1842, to the 25th day of August, 1843, was about 50 cents to the dollar.

R. HETFIELD.

John Bodley, a competent witness, being duly sworn by said Elias Wilcox, clerk as aforesaid, and examined on behalf of said claimant, testifies as follows:

During the period from May 19, 1842, to August 25, 1843, I was engaged in general trading in Fountain county, and was also sheriff of the county. I was connected with canaling operations. When the scrip first issued in the spring or summer of 1842, it passed, among the friends of the canal, at par—it passed in ordinary business transactions; but in cash transactions it was not

worth more than eighty cents to the dollar. After the land sales, which I think took place in October, 1842, the scrip depreciated quite rapidly. It ranged at 50 to 60 cents to the dollar, and even less, and during the summer of 1843 it went as low as 40 cents to the dollar; and I should think that an average of its value, from May 19, 1842, to August 25, 1843, would be about 50 cents to the dollar. I have examined the contract made by Wright & Barcus, on the one part, and Thomas H. Blake, commissioner, on behalf of the State of Indiana, of the other part, and referred to in the deposition of James Blair. I was well acquainted with the character of the work embraced in that contract—have been repeatedly on it and examined it during its progress. I was also engaged quite extensively in doing work of that kind during its progress, and have a knowledge of the cost of performing such work. If the work embraced in that contract had been paid for in par funds, at the contract price, the contractor would have realized a profit of from 30 to 40 per cent. on the whole amount of work embraced in the contract. Labor and provisions were higher during the years of 1838–39 than in the years 1842–43, and work of this kind, I think, could have been done, for cash, at some ten per cent. less during the latter than in the former years. I think the price of labor in the years 1838–39 was about 70 or 75 cents per day, and in the years 1842–43, we commenced by paying 62 cents per day and boarding, and went from that up to \$1.25 in scrip. There was no other kind of money paid out during these latter years, that I know of. I was one of the commissioners to assess the damages on the contract of Nichols, under the act of the General Assembly of the State of Indiana, entitled “An act for the immediate relief of contractors and others engaged on public works,” passed in February, 1840. The contract of Nichols joined that of Wright & Barcus, on the north, and while I was engaged in making the assessment on the Nichols contract, I had good opportunities of knowing the condition of the Wright & Barcus contract, and the amount of money invested in shanties and implements. From my knowledge of other assessments, and from my knowledge of the amount and value of the implements and shanties owned by Wright and Barcus on their work, I think that their loss, by the suspension of the work, independent of the loss of profits on the work, must have been in the neighborhood of \$2,000. I frequently saw them at work on the contract of Wright and Barcus before the suspension of the work. The number of the hands, I should think, was forty, on an average. Most of the work was done with scrapers. The scrapers furnished by Wright & Barcus. I think there were about twenty-five scrapers. I think they had some forty or fifty wheelbarrows, and at least from ten to fifteen shanties on the work. I don’t know by whom the shanties were built. They also had some teams of their own—at least three teams—including wagons and horses; also shovels and picks sufficient to carry on a work of that kind; and were as well or better stocked, with all the implements

to carry it on, than jobs of that kind usually are. I don't know to whom the shanties belonged; they were on the work and used by Wright & Barcus.

J. BODLEY.

*Copy of Register of Engineer's Estimates.*

DATE.	Number.	Estimate.	Amount of Draft.	Total Estimate.	Total Draft.
1838—November 17.....	1	\$350 00	\$495 00	\$550 00	\$495 00
1839—March 23.....	4	1,586 00	1,428 00	2,136 00	1,923 00
May 27 .....	8	1,640 00	1,476 00	3,776 00	3,399 00
August 7.....	12	1,039 00	935 00	4,815 00	4,334 00
September 4 .....	16	831 00	766 00	5,666 00	5,100 00
November 1.....	19	889 00	800 00	1,555 00	5,900 00
1840—March 16 .....	20	635 47	1,298 46	7,190 46	7,190 46
1841—January 14 .....	..	2,254 68	2,254 68	9,445 14	9,445 14

The above table is found on the Engineer's Register, at page 10. On the opposite page, upon the register, is found the following words, set opposite table down to 1840: "The total amount estimated on sections Nos. 59, 60, 61 and 62, up to January 15, 1841, \$33,109 32, and including that made on the 14th January, per cent. retained, \$655." Opposite the line of January 14, 1841, is the following words: "This estimate was made in pursuance of special law passed by the Legislature, Jan. 1841." The following is found on page 15 of said register:

DATE.	Number.	Estimate.	Amount of Draft.	Total Estimate.	Total Draft
1842—May 19 .....	3	\$7,826 86	\$7,045 00	\$7,826 86	\$7,045 00
August 1.....	8	2,552 14	2,295 00	10,397 00	9,340 00
September 26.....	20	1,116 00	1,005 00	11,495 00	10,345 00
December 5....	31	1,800 00	1,620 00	13,295 00	11,962 00
February 15 .....	51	1,141 00	1,025 00	14,436 00	12,990 00
May 13.....	58	4,460 00	4,015 00	18,896 00	17,005 00
July 29.....	74	5,400 00	4,860 00	24,296 00	21,865 00
August 25 .....	77	4,696 00	6,527 92	28,392 92	28,392 92

On page 15 of the register also occur these words, to-wit: "Total paid prior to the passage of the canal scrip law, in winter of 1841 and 2, \$9,445 14."

I certify the foregoing to be a true and complete copy of the entries on page 15 of the engineer's register, referred to in the testimony of Joseph H. Nelson, engineer.

J. E. McDONALD,  
*Attorney General.*

[B.]

*Copy of the Assignment of Wright to Barcus.*

NEWARK, Oct. 6, 1838.

I hereby assign to Jacob Barcus, of the county of Gibson and State of Indiana, all my right, interest and claim in and to section 62 of the Wabash Canal, together with all moneys or profits which may accrue from the prosecution of the contract, for and in consideration of the sum of two hundred and twenty-five dollars, to me in hand paid this day.

H. K. WRIGHT, [SEAL.]

Witness : C. G. VOORHEES.

## DEPOSITION OF DAVID ROWLES.

WRIGHT & BARCUS *vs.* THE STATE OF INDIANA.

The following is the deposition of David Rowles, Esq., taken to be read in evidence, in the case now pending, wherein the said Wright & Barcus are plaintiffs, and the State of Indiana is defendant, before the Hon. Joseph E. McDonald, Attorney General for the State of Indiana. This day, personally appeared before me the undersigned, Clerk of the District Court of the county of Monroe, in the State of Iowa, at my office, in the town of Albia, in said county, on the 24th day of January, A. D., 1847, David Rowles, of lawful age, and being by me duly sworn, testifies as follows, to-wit :

*Question.*—Where did you reside from the 1st of January, 1838, till the first of August, 1844, and what was your occupation?

*Answer.*—I resided in Fountain county, in the State of Indiana, near Covington, I was a farmer.

*Ques.*—Are you acquainted with the plaintiff's in this cause, if so, state when and where, and what was their business or occupation?

*Ans.*—I became acquainted with Jacob Barcus, one of the plaintiffs, during the fall of 1838, in Fountain county, Indiana. He was engaged as contractor for the construction of section 62 on the Wabash Canal, and afterwards known as section 59 on the extension of the Wabash Canal.

*Ques.*—Have you seen the contract for the construction of the section as above described, if so, state with whom it was made, and whether you know the contract prices?

*Ans.*—I have seen the contract, and know the contract prices; it was signed by Thomas H. Blake, as commissioner on the part of the State of Indiana, on the one part, and Wright & Barcus, the



plaintiffs in this case, on the other part, for the construction of section 62 on the Wabash Canal, and afterwards known as section 59 on the extension of the Wabash and Erie Canal, below the mouth of the Tippecanoe river.

*Ques.*—State what you know about Wright & Barcus working and constructing said section 62 as above referred to?

*Ans.*—Soon after the contract was entered into, Jacob Barcus, one of the contractors, commenced work on said section with a considerable force of men and teams; it was a heavy section, and required a large capitol to commence and carry on the work, I suppose it would require several hundred dollars to furnish the teams, tools and other articles required on such a contract or section, they pushed their work with considerable energy until the finances of the State became embarrassed, and she failed to meet her payments or estimates, after which time, they having expended a large amount in preparing the commence the work, they were unable to carry on or prosecute the work without aid or assistance. I, being anxious to see the work prosper, and the canal completed, more particularly, as the work passed through my land, and believing the State would soon devise some plan by which she would be able to prosecute the work to completion; I, under these circumstances, agreed to aid the said Wright & Barcus to carry on their work, and became responsible to the laborers employed on said work, and also for other articles necessary to carry on said work; and, after having incurred a heavy indebtedness, and become responsible for a considerable amount, for work done on said section, finding the State was making no effort or arrangement to pay for the work so done, I presented the facts and laid my claim before the General Assembly of the State of Indiana, during the session of 1840 and 1841, and that body passed an act or joint resolution for my relief on the 15th day of January, 1841. In estimating said work, under the provisions of said act, there was no allowance made but for the work actually done on said section.

*Ques.*—State whether there was any contract or agreement, with Jacob Barcus, or with Wright & Barcus, to relinquish or suspend operations on section 62 of the Wabash Canal, and afterwards known as section 59 of the extension of the Wabash and Erie Canal, as contained in said joint resolution, passed January 5th, 1841?

*Ans.*—There was no contract entered into between Jacob Barcus, or with Wright & Barcus and myself, to that effect, nor by Barcus, or by Wright & Barcus, with any other person to my knowledge.

*Ques.*—State whether Jacob Barcus, as the contractor of section 62 of the Wabash Canal, and afterwards known as section 59 of the extension of said Canal, authorized you to receive Wabash and Erie Canal land scrip in payment for the construction of said section, and to release the State from all further liability on said contract, entered into by her for the construction of said section?

*Ans.*—He authorized me to receive Wabash and Erie Canal land scrip, from the fact that there was no other funds provided by the State for the payment of said work, but did not authorize me to release the State from further liability on said contract, nor did he authorize me to receipt to that effect.

*Ques.*—What was the value of Wabash and Erie Canal land scrip, from the 1st day of August, 1842, until the ——— 1845?

*Ans.*—I suppose the average value would be about fifty cents on the dollar.

DAVID ROWLES.

STATE OF IOWA, }  
Monroe County. }

Subscribed and sworn to before me, Samuel Buchanan, clerk of the district court of Monroe, Iowa.

Witness my hand and seal of said court hereto  
[L. s.] affixed, at Albia, the 27th day of January, A. D., 1857.

SAMUEL BUCHANAN,  
*Clerk District Court, Monroe County, Iowa.*

STATE OF IOWA, SS :

I, John S. Townsend, sole judge of the 9th judicial district, within and for said State, (within which is the said court of Monroe,) do hereby certify that Samuel Buchanan, Esq., before whom the within and foregoing deposition of David Rowles was taken, is now and was, at the date thereof, clerk of the district court of said county, duly elected and qualified, and that his attestation thereto is genuine.

Witness my hand and seal this 27th day of January, A. D., 1857.

JOHN S. TOWNSEND,  
*Judge of 9th Judicial District, Iowa.*

On motion by Mr. Cravens,  
The report was referred to the committee on claims.

The President laid before the Senate the following communication and accompanying report:

INDIANA HOSPITAL FOR THE IMBANE, }  
Indianapolis, Feb. 18, 1857. }

HON. A. A. HAMMOND,

*President of the Senate :*

SIR:—I have the honor, in obedience to a resolution adopted by the Senate, on the 12th instant, requesting the Superintendent of

the Indiana Hospital for the Insane "to furnish a list of its inmates, giving the names of such patients, the counties from which they have been received, and the length of time they have respectively been in the Hospital," to submit the following report, exhibiting the whole number of patients in the Hospital now, the length of time each has been in the institution, the counties from which they have been received, the number heretofore accommodated from each county, the number ordered, the number on a visit and liable to return at any time, and the number refused since the close of the fiscal year, October 31st, 1856.

Very respectfully,

JAMES S. ATTHON,

*Superintendent.*

Which,

On motion by Mr. Freeland,

Was laid on the table and two hundred copies ordered to be printed.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives, to bring to the Senate the following enrolled bills of the House, and request the signature of the President of the Senate thereto :

No. 10. An act to provide for the approval of official bonds in cases not now provided for by law. Also,

No. 5. An act to amend the tenth section of an act entitled "an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11, 1852, and supplementary thereto.

The President signed the bills.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Ensey, chairman of the committee on roads, made the following report :

MR. PRESIDENT :

The committee on roads, to whom was referred a resolution of the Senate, directing said committee to inquire into and report to the Senate whether there is any law now in force to prohibit railroad companies from obstructing public highways, by stopping their trains of cars, and suffering them to remain across such highways, to the hindrance of the traveling public, have had the same

under consideration and directed me to report, that they find no law prohibiting the same, and ask to be discharged from its further consideration.

Which was concurred in.

Mr. Hostetler, from the committee on roads, made the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred a resolution of the Senate, inquiring into the expediency of so amending the road law as to declare small creeks and water-courses public highways, have had the same under consideration and have directed me to report, that it is inexpedient to legislate on the subject.

Which was concurred in.

#### REPORTS FROM SELECT COMMITTEES.

Mr. Weir, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred House bill No. 80, "an act prescribing punishment for running railroad trains, or locomotives, across other railroads without stopping, and to prevent carelessness and accidents in crossing, have had the same under consideration, and have directed me to report the same back to the Senate without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to a third reading on to-morrow.

#### RESOLUTIONS.

Mr. Green offered the following preamble and resolution:

WHEREAS, By the report of the State Auditor, in response to the Senate's resolution upon the subject of swamp lands, it shows that \$12,182 82 has been received at his office, and no distribution can be made until the lands for which the General Government refunded the amount can be found;

AND WHEREAS, In the Auditor's report, showing the amount of lands returned as swamp lands, it is apparent that a large amount of the lands returned from the county of Tipton have been omitted in the report of the Auditor; therefore,

*Resolved*, That a special committee of three, to inquire into the matters set forth in this preamble, and report at as early a day as possible, be appointed.

Which was agreed to.

Messrs. Green, Miller and Chapman were appointed said select committee, in compliance with the resolution.

On motion by Mr. Hendry,

*Resolved*, That the committee on printing be instructed to inquire how many of the volumes of the Acts of 1855 remained undistrbuted, and if a surplus of the same remain, whether they ought not to be distributed to the several counties of this State, and that they report by bill or otherwise.

By unanimous consent,

On motion by Mr. Miller,

The resolution proposing to reduce the number of senators to thirty-three, and of representatives to sixty-six, laid on the table several days ago,

Was taken up.

The question being shall the resolution pass ?

The ayes and noes being demanded by Senators Miller and Gooding,

*Those who voted in the affirmative were,*

Messrs. Burke, Chapman, Cravens, Crouse, Freeland, Gooding, Green, Hargrove, Heffren, Hendry, Johnston, Kinley, Mathes, Miller, McLean, Parker, Sage, Stevens, Suit, Tarkington, Thompson and Wilson—23.

*Those who voted in the negative were,*

Messrs. Alexander, Blair, Brown, Crane, Drew, Ensey, Hill, Hostetler, March, Mansfield, McCleary, McClure, Rice, Slater of Dearborn, Slater of Johnson, Wier and Yaryan—18.

So the resolution was adopted.

#### BILLS INTRODUCED.

By unanimous consent,

Mr. Gooding introduced

Senate bill No. 119. An act to amend section 3d of an act entitled an act regulating prosecutions in cases of bastardy and providing for the support of illegitimate children ; approved May 6, 1852.

Which was read a first time and passed to a second reading.

S. J—29.

By unanimous consent,  
Mr. Freeland introduced

Senate bill No. 120. A bill to enable married women whose husbands have absented themselves to exercise the rights of resident householders.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Tarkington introduced

Senate bill No. 121. A bill to prohibit the issue of bank notes for circulation by "the bank of the State of Indiana" upon deposit, and to provide for the location of additional branches of said bank.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Hill introduced

Senate bill No. 122. A bill to prevent railroad companies from obstructing public highways, and providing punishment for the same.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. McClure introduced

Senate bill No. 123. A bill declaring the mode of publication of all notices made under orders of court, made by the officers thereof, and by all officers in the State.

Was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Yaryan introduced

Senate bill No. 124. A bill in relation to the publication of legal notices in newspapers.

Which was read a first time and passed to a second reading.

By unanimous consent,  
The order of business was suspended, and

Mr. Suit, chairman of the committee on elections, made the following report :

**MR. PRESIDENT :**

The committee on elections, to whom was referred Senate bill No. 51, with pending amendments, being "An act to preserve the purity of elections, and to amend section 21 of an act regulating

general elections and prescribing the duties of officers in relation thereto, approved June 7th, 1852, have had the same under consideration, and directed me to report it back with the following amendments, and when so amended, respectfully recommend its passage.

Amend section 1 so as to read, more than twenty-one years of age.

And further amend section 1 so as to read, "that you have resided in the township for the last thirty days.

The report was concurred in, the amendments adopted and the bill ordered to be engrossed.

By unanimous consent,

The order of business was suspended, and

Mr. Suit, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred Senate bill No. 81, "A bill preventing the willing and bequeathing to any benevolent, charitable or other institution by any person of more than a certain amount of property," have had the same under consideration, and directed me to report it back, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

#### ORDERS OF THE DAY.

#### *House Bills on Third Reading.*

House bill No. 33. An act for the removal of the old buildings on the Governor's Circle, in Indianapolis, and for the improvement of the same.

Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Bobbs, Brown, Burke, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Green, Griggs, Heffren, Hill, Hostetler, Kinley, March, Mansfield, Miller, McClure, McLean, Parker, Rice, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Wallace, Weir and Yaryan—32.

*Those who voted in the negative were,*

Messrs. Brown, Chapman, Cooper, Hargrove, Hendry, Johnston, Mathes, Thompson and Wilson—9.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

House bill No. 109. An act to amend the 24th section of an act entitled "an act regulating descents and the apportionment of estates;" approved May 14, 1852.

Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Blair, Bobbs, Brown, Cooper, Cravens, Crouse, Ensey, Gooding, Hendry and Wallace—10.

*Those who voted in the negative were,*

Messrs. Alexander, Burke, Chapman, Crane, Drew, Freeland, Green, Griggs, Hargrove, Heffien, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Mathes, McCleary, McClure, McLean, Parker, Rice, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Weir, Wilson and Yaryan—32.

So the bill did not pass.

By unanimous consent,

The order of business was suspended, and

Mr. Suit introduced the following resolution:

*Resolved,* That the State Printer be directed to report to the Senate the reason why the minority report in the Miller and Shryock case has been furnished to the House of Representatives and not to the Senate; and why the majority report has not been printed and furnished at the same time.

Which was not agreed to.

On motion by Mr. March,

The vote just taken on the passage of House bill No. 109 was reconsidered.

On motion by Mr. Yaryan,

The vote ordering the bill to a third reading was reconsidered.



On motion by Mr. Yaryan,  
The bill was referred to the committee on the judiciary.

House bill No. 132. A bill to amend an act entitled "an act declaratory of the law regulating marriages, and enforcing the provisions thereof by proper penalties," approved March 5, 1852.  
Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Green, Griggs, Hargrove, Hill, Hostetler, Johnston, Kinley, March, Miller, McLean, Parker, Rice, Sage, Slater of Johnson, Stevens, Tarkington, Thompson, Wallace, Weir and Yaryan—34.

*Those who voted in the negative were,*

Messrs. Gooding, Heffren, Hendry, Mansfield, Mathes, McCleary, McClure, Slater of Dearborn and Wilson—9.

So the bill passed.

*Ordered,* That the secretary inform the House thereof.

House bill No. 115. An act declaring what a seal is, in contemplation of law requiring deeds of conveyance to be sealed, and declaring the meaning of such laws.  
Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Green, Hargrove, Hendry, Hill, Johnston, Kinley, March, Miller, McClure, McLean, Parker, Rice, Sage, Stevens, Suit, Tarkington, Thompson, Weir, Wilson and Yaryan—32.

*Those who voted in the negative were,*

Messrs. Brown, Gooding, Heffren, Hostetler, Mansfield, Mathes, McCleary, Slater of Dearborn and Slater of Johnson—9.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

House bill No. 77 A bill to amend the 23d section of an act entitled "an act concerning trespassing animals and partition fences."

Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Green, Hargrove, Heffren, Hostetler, Mansfield, Mathes, Miller, McClure, McLean, Parker, Rice, Sage, Stevens, Suit, Tarkington, Weir, Wilson and Yaryan—31.

*Those who voted in the negative were,*

Messrs. Gooding, Griggs, Hendry, Hill, Kinley, McCleary, Slater of Dearborn, Slater of Johnson, and Thompson—9.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

#### SENATE BILLS ON THIRD READING.

Senate bill No. 42. A bill relative to the salaries of public officers and providing the manner of paying the same.

Was read a third time.

Mr. Kinley moved to recommit the bill to the select committee, with instructions to strike out section 2nd of said bill.

On motion by Mr. Miller,

Leave of absence was granted to Mr. Bobbs for this day.

A message from the House by Mr. Bowes, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to bring to the Senate the following engrossed joint resolution of the House, and request the signature of the President of the Senate thereto.

No. 1. A joint resolution declaring it unconstitutional and impolitic for the State to purchase the Wabash and Erie Canal.

The President signed the joint resolution.

Pending the debate on the motion to recommit Senate bill No. 42 to the select committee with instructions,

On motion by Mr. Yaryan,  
The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to bring to the Senate the following enrolled bill of the House, and request the signature of the President of the Senate thereto:

No. 23. An act for the removal of the old building on the Governor's Circle, in Indianapolis, and for the improvement of the same.

The President signed the bill.

The question pending at adjournment, being the recommitment of Senate bill No. 42 to a select committee, with instructions,

Mr. Suit desired a division of the question.

The question then being, shall the bill be recommitted?

The ayes and noes being demanded by senators Murray and Suit,

*Those who voted in the affirmative were,*

Messrs. Blair, Brown, Burke, Chapman, Cravens, Green, Hendry, Hill, Kinley, March, McClure, Slater of Johnson and Yaryan—S.

*Those who voted in the negative were,*

Messrs. Alexander, Cooper, Crane, Crouse, Drew, Griggs, Hargrove, Heffren, Hostetler, Johnston, Mansfield, Mathes, Miller, Murray, McCleary, McLean, Parker, Richardson, Slater of Dearborn, Stevens, Suit, Tarkington, Thompson, Wallace, Weir and Wilson—26.

So the bill was not recommitted.

Mr. Yaryan moved a call of the Senate.

The Secretary proceeded with the call; whereupon, it being found that all the Senators were present except Messrs. Rice and Freeland, and those who had been previously excused.

On motion by Mr. Weir,  
The further call was dispensed with.

The question being shall the bill pass,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Crane, Crouse, Drew, Ensey, Gooding, Griggs, Hargrove, Heffren, Miller, Murray, McCleary, McLean, Parker, Richardson. Rugg, Slater of Dearborn, Suit, Tarkington, Wallace and Weir—22.

*Those who voted in the negative were,*

Messrs. Blair, Burke, Chapman, Cooper, Cravens, Fisk, Green, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Mathes, McClure, Sage, Slater of Johnson, Stevens, Thompson, Wilson and Yaryan—22.

So the bill did not pass for want of a constitutional majority.

By unanimous consent,  
The order of business was suspended, and  
Mr. Johnston offered the following resolution :

*Resolved*, That Leroy Woods is senator from the county of Clark and that, as such, he be admitted to all the privileges of his seat.

The President deciding the resolution to be in order.

Senators Cravens and Green appealed from the decision of the President as follows :

“ From a decision of the chair stating that a resolution declaring an individual a senator, whom the records of the Senate have declared to be not a senator, we respectfully appeal to the Senate.

JOHN R. CRAVENS,  
JOHN GREEN.”

On motion by Mr. Crouse,  
A call of the Senate was ordered.

The Secretary proceeded with the call ; whereupon it was found that all the senators were present except Mr. Rice, and those who were previously excused.

Mr. Heffren moved that the further call of the Senate be suspended.

On that question,  
The ayes and noes were demanded by Senators Murray and Parker.

The secretary proceeded with the call of the ayes and noes,  
Pending which,  
Mr. Green asked to be excused from voting,  
Objections being made by several senators,  
The ayes and noes were demanded by senators Green and March.

The secretary proceeded with the call of the ayes and noes on the question of excusing the senator from Tipton ;  
Pending which,  
Mr. Hendry asked to be excused from voting.

Objections being made by several senators,  
The ayes and noes were demanded by senators Murray and Yaryan,

The secretary proceeded with the call of the ayes and noes on the question of excusing the senator from Steuben ;  
Pending which,  
Mr. Murray asked to be excused from voting.

Objections being made by several senators,  
The ayes and noes were demanded by senators Parker and Crouse.  
The secretary proceeded with the call of the ayes and noes on the question of excusing the senator from Howard from voting ;  
Pending which,  
Mr. Yaryan asked to be excused from voting.

Objections being made by several senators,

The ayes and noes were demanded by senators Green and Murray.

The President deciding that it was in order to call the ayes and noes on the question of excusing the senator from Union from voting.

Senators Gooding and Wallace appealed from the decision of the President as follows :

“ We appeal from the decision of the chair in deciding that on a call of the ayes and noes on excusing the senator from Howard from voting, that it is in order to call and take the ayes and noes on excusing the senator from Union from voting.”

The question then being, shall the decision of the President stand as the judgment of the Senate?

The ayes and noes were demanded by senators Gooding and Murray.

The secretary proceeded with the call of the ayes and noes on sustaining the decision of the President.

Pending which,

Mr. Cravens asked to be excused from voting on the appeal.

Objections being made by several senators,

The ayes and noes were demanded by senators Green and Murray.

The secretary proceeded with the call of the ayes and noes on the question of excusing the senator from Jefferson from voting on the appeal;

Pending which,

Mr. Murray asked to be excused from voting on the question of excusing the senator from Jefferson from voting.

Objections being made by several senators,

The ayes and noes were demanded by senators Yaryan and Parker.

The secretary proceeded with the call of excusing the senator from Howard from voting on the question of excusing the senator from Jefferson from voting.

Pending which,

Mr. Parker asked to be excused from voting on the question.

Objections being made by several senators,

The ayes and noes were demanded by senators Green and Murray.

The secretary proceeded with the call of the ayes and noes on the question of excusing the senator from Benton from voting on the question of excusing the senator from Howard from voting.

Pending which,

Mr. Yaryan asked to be excused from voting on the question.

Objections being made by several senators,

The ayes and noes were demanded by senators March and Murray,

*Those who voted in the affirmative were,*

Messrs. Fisk, Gooding, Hargrove, Heffren, Hostetler, Johnston, Mansfield, Mathes, McClure, Richardson, Rugg, Tarkington and Wilson—13.

*Those who voted in the negative were,*

Messrs. Blair, Chapman, Cooper, Cravens, Ensey, Freeland, Green, Hendry, Hill, Kinley, March, Murray, McCleary, McLean, Parker, Rice, Sage, Slater of Dearborn, Suit, Thompson and Weir—21.

So the senator was not excused from voting.

The secretary completed the call of the ayes and noes on the question of excusing the senator from Benton from voting on the question of excusing the senator from Howard from voting.

*Those who voted in the affirmative were,*

Messrs. Gooding, Hargrove, Heffren, Hostetler, Johnston, Mansfield, Mathes, McClure, Richardson, Rugg and Yaryan—11.

*Those who voted in the negative were,*

Messrs. Alexander, Blair, Chapman, Cooper, Cravens, Crouse, Ensey, Fisk, Freeland, Green, Hendry, Hill, Kinley, March, Murray, McCleary, McLean, Rice, Sage, Slater of Dearborn, Tarkington, Thompson, Weir and Wilson—24.

So the senator from Benton was not excused from voting.

The secretary completed the call of the ayes and noes on the question of excusing the senator from Howard from voting on the question of excusing the senator from Jefferson from voting.

*Those who voted in the affirmative were,*

Messrs. Crane, Cravens, Drew, Gooding, Hargrove, Heffren, Hostetler, Johnston, Mathes, McClure, McLean, Richardson, Rugg, Suit and Wilson—16.

*Those who voted in the negative were,*

Messrs. Alexander, Blair, Burke, Chapman, Cooper, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Mansfield, Murray, McCleary, Parker, Rice, Sage, Slater of Dearborn, Stevens, Thompson, Weir and Yaryan—25.

So the senator was not excused from voting.

The secretary completed the call of the ayes and noes on the question of excusing the senator from Jefferson from voting on the appeal from the decision of the President.

*Those who voted in the affirmative were,*

Messrs. Alexander, Crane, Fisk, Gooding, Hargrove, Heffren, Hostetler, Johnston, Mathes, McClure, McLean, Rugg, Weir and Wilson—14.

*Those who voted in the negative were,*

Messrs. Blair, Burke, Chapman, Cooper, Crouse, Ensey, Green, Griggs, Hendry, Hill, Kinley, March, Mansfield, Murray, McCleary, Parker, Rice, Sage, Slater of Dearborn, Slater of Johnston, Stevens, Tarkington, Thompson and Yaryan—24.

So the Senator was not excused from voting.

The Secretary completed the call of the ayes and noes on the appeal of the senator from Hancock and the senator from Montgomery from the decision of the President.

*Those who voted in the affirmative were,*

Messrs. Blair, Burke, Chapman, Cooper, Crane, Cravens, Ensey, Green, Hendry, Hill, Johnston, Kinley, March, Murray, McLean, Parker, Richardson, Rice, Sage, Stevens, Thompson and Yaryan—22.

*Those who voted in the negative were,*

Messrs. Alexander, Drew, Fisk, Gooding, Hargrove, Heffren, Hostetler, Mansfield, Mathes, McCleary, Rugg, Slater of Dearborn.



Slater of Johnson, Suit, Tarkington, Wallace, Weir and Weston—19.

So the decision of the President was sustained.

Mr. Suit moved that the Senate now adjourn.

The President decided the motion to be out of order.

Senators Murray and Parker appealed from the decision as follows:

“The chair having decided that a motion to adjourn, pending the calling of the ayes and noes on the question of excusing a senator from voting, was not in order, we respectfully appeal to the Senate.”

The question then being, shall the decision of the President stand as the judgment of the Senate?

The ayes and noes were demanded by senators Murray and Drew,

*Those who voted in the affirmative were,*

Messrs. Drew, Fisk, Gooding, Green, Hargrove, Heffren, Hill, Hostetler, Johnston, Kinley, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Wallace, Weir, Wilson and Yaryan—28.

*Those who voted in the negative were,*

Messrs. Blair, Burke, Chapman, Cooper, Cravens, Fisk, Hendry, Murray, Rice and Thompson—10.

So the decision of the President was sustained.

The Secretary then completed the call of ayes and noes on the question of excusing the senator from Union from voting on the question of excusing the senator from Howard from voting.

*Those who voted in the affirmative were,*

Messrs. Freeland, Gooding, Hargrove, Hostetler, Johnston, Mathes, McClure, McLean, Richardson, Rugg, Tarkington, Wilson and Yaryan—14.

*Those who voted in the negative were,*

Messrs. Burke, Chapman, Cravens, Drew, Ensey, Fisk, Green,

Griggs, Heffren, Hendry, Hill, Kinley, Murray, McCleary, Parker, Rice, Sage, Slater of Dearborn, Slater of Johnson, Suit, Thompson and Weir—22.

So the senator was not excused from voting.

The Secretary then completed the call of ayes and noes on the question to excuse the senator from Howard from voting on the question to excuse the senator from Steuben from voting.

*Those who voted in the affirmative were,*

Messrs. Alexander, Crane, Cravens, Drew, Freeland, Gooding, Hargrove, Hostetler, Johnston, Mansfield, Mathes, Miller, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Wallace and Wilson—20.

*Those who voted in the negative were,*

Messrs. Blair, Burke, Chapman, Cooper, Crouse, Ensey, Fisk, Green, Griggs, Hendry, Hill, Kinley, March, McCleary, Parker, Sage, Stevens, Suit, Tarkington, Thompson and Yaryan—12.

So the senator was not excused from voting.

The Secretary completed the call of ayes and noes on the question of excusing the senator from Steuben from voting on the question of excusing the senator from Tipton from voting.

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Crane, Drew, Fisk, Gooding, Hargrove, Heffren, Hostetler, Johnston, Mansfield, Mathes, Miller, McClure, McLean, Richardson, Rice, Rugg, Wilson and Yaryan—20.

*Those who voted in the negative were,*

Messrs. Blair, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hill, Kinley, March, Murray, McCleary, Parker, Sage, Slater of Dearborn, Slater of Johnson, Suit, Tarkington, Thompson and Weir—24.

So the senator was not excused from voting.

The Secretary completed the call of ayes and noes on the question of excusing the senator from Tipton from voting on the question to suspend the further call of the Senate.

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Crane, Fisk, Gooding, Hargrove, Heffren, Hostetler, Johnston, Mansfield, Mathes, Miller, McClure, McLean, Richardson, Rugg, Slater of Johnson, Wilson and Yaryan—19.

*Those who voted in the negative were,*

Messrs. Blair, Burke, Chapman, Cooper, Cravens, Crouse, Drew, Ensey, Freeland, Griggs, Hendry, Hill, Kinley, Murray, McCleary, Parker, Rice, Sage, Slater of Dearborn, Stevens, Suit, Tarkington, Thompson, Weir and Wallace—25.

So the senator was not excused from voting.

The Secretary completed the call of ayes and noes on the question of suspending the further call of the Senate.

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Crane, Drew, Fisk, Gooding, Green, Hargrove, Heffren, Hill, Hostetler, Johnston, Kinley, Mansfield, Mathes, Murray, McCleary, McClure, McLean, Richardson, Rice, Sage, Rugg, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Wallace, Weir and Wilson—32.

*Those who voted in the negative were,*

Messrs. Blair, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Freeland, Hendry, Parker and Yaryan—11.

So the further call of the Senate was suspended.

Mr. Murray moved that the Senate now adjourn.

The ayes and noes being demanded by five senators,

*Those who voted in the affirmative were,*

Messrs. Blair, Burke, Chapman, Cooper, Crane, Cravens, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson and Yaryan—22.

*Those who voted in the negative were,*

Messrs. Drew, Fisk, Gooding, Hargrove, Heffren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace and Wilson—21.

So, pending the consideration of the appeal of the senator from Jefferson and the senator from Tipton, from the decision of the President, that the resolution of the senator from Putnam was in order,

The Senate adjourned.

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FRIDAY MORNING, 9 o'clock, }  
February 20, 1857. }

The Senate met.

The journal of the preceding day was read.

The President laid before the Senate the following communication and accompanying memorial:

NEW YORK, Feb. 10, 1857.

*Hon. President of the Senate:*

SIR:—As member of a committee of the National Womens' Rights Convention, I enclose you the within memorial:

May I venture to ask your good offices, in introducing it to the attention of the Senate of Indiana, at its present term, and recommending favorable and speedy action upon it?

Respectfully, yours,  
ANTIONETTE L. BROWN BLACKWELL,  
*Chairman.*

Mr. Suit moved to lay the communication and memorial on the table;

Which was not agreed to.

On motion by Mr. Tarkington,

The memorial was referred to the committee on benevolent institutions.

The President announced that the first thing in order was the consideration of the appeal from the decision of the chair, by the

senator from Jefferson and the senator from Tipton, pending at adjournment yesterday.

Senators Burke and Murray appealed from the decision of the President, as follows:

"On the meeting of the Senate, after reading the journal, and before proceeding with the order of business, the chair decided that the first business before the Senate is the consideration of the business pending at the adjournment yesterday evening, from which decision we respectfully appeal."

The question being, shall the decision of the chair stand as the judgment of the Senate?

It was decided in the affirmative.

On motion by Mr. Cravens.

A call of the Senate was ordered.

The Secretary proceeded with the call;

Whereupon, it was found that Messrs. Baess, Freeland and Weston were absent.

On motion by Mr. Hefiren,

The further call was suspended.

The vote was then taken on the appeal of the senator from Jefferson and the Senator from Tipton, pending at a tjournment.

The question being, shall the decision of the President stand as the judgment of the Senate?

The ayes and noes were demanded by senators Murray and Yarran.

The Secretary proceeded with the call of the ayes and noes, on the question of the appeal.

Pending which,

Mr. Blair asked to be excused from voting on the question.

Objections being made by several senators,

The ayes and noes were demanded by senators Hendry and Murray.

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Drew, Gooding, Hargrove, Hefiren, Hostetler, Johnston, Mathes, Miller, McClure, McLean, Richardson, Rugg, Slater of Johnson, Stevens and Wilson--17.

*Those who voted in the negative were,*

Messrs. Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Fisk, Green, Griggs, Hendry, Hill, Kinley, March, Mansfield Murray, McCleary, Parker, Rice, Sage, Slater of Dearborn, Suit, Tarkington, Thompson, Weir and Yaryan—26.

So the senator was not excused.

The Secretary proceeded with the call of the ayes and noes, on the question of the appeal;

Pending which,

Mr. Green asked to be excused from voting on the question.

Objections being made by several senators,

The ayes and noes were demanded by senators Hendry and Weir.

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Heffren, Hostetler, Johnston, Mathes, Miller, McClure, McLean, Richardson, Rugg, Slater of Johnson, Stevens and Wilson—17.

*Those who voted in the negative were,*

Messrs. Blair, Bobbs, Chapman, Cooper, Cravens, Crouse, Ensey, Griggs, Hargrove, Hendry, Hill, Kinley, March, Mansfield, Murray, McCleary, Parker, Rice, Sage, Slater of Dearborn, Tarkington, Thompson, Weir and Yaryan—24.

So the senator was not excused from voting.

The Secretary proceeded with the call of the ayes and noes, on the question of the appeal.

Pending which,

Mr. Hendry asked to be excused from voting on the question.

The President decided that the special reasons of the senator for requesting to be excused from voting should be in writing.

From which decision of the President, senators Hendry and Thompson appealed as follows:

“The chair decides that a member of the Senate, on asking to be excused from voting, shall state his reasons in writing; and whereas, much time of the Senate is consumed in thus reducing words that are spoken in a few moments to writing, and sending to the clerk's desk to be read, we appeal from the decision of the chair.”

A. W. HENDRY,  
JOHN THOMPSON.

The question being, shall the decision of the President stand as the judgment of the Senate?

The ayes and noes being demanded by senators Hendry and Murray,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Chapman, Drew, Fisk, Gooding, Hargrove, Heffren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington and Wilson—22.

*Those who voted in the negative were,*

Messrs. Blair, Bobbs, Burke, Cooper, Cravens, Crouse, Ensey, Green, Griggs, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Thompson, Weir and Yaryan—20.

So the decision of the President was sustained.

Thereupon,

Mr. Hendry offered the following reasons why he should be excused from voting on the question of the appeal:

"I ask to be excused from voting for the following reasons, to-wit:

"For the reason that I believe that no person can be made a member of this Senate, constitutionally, by a simple resolution of the Senate, and I cannot, even by a vote, assist, directly or indirectly, to perpetrate such an act.

A. W. HENDRY."

The question then being, shall the senator be excused from voting?

The ayes and noes were demanded by two senators.

*Those who voted in the affirmative were,*

Messrs. Burke, Griggs and Hill—3.

*Those who voted in the negative were,*

Messrs. Alexander, Blair, Brown, Chapman, Cravens, Crouse, Drew, Fisk, Gooding, Green, Hargrove, Heffren, Hostetler, Johnston, Mansfield, March, Mathes, Miller, McCleary, McClure, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Tarkington, Thompson, Weir, Wilson and Yaryan—30.

No quorum being present,  
The senator was not excused from voting.

On motion,  
A call of the Senate was ordered.

The Secretary proceeded with the call; whereupon, it was found that forty senators were present.

On motion by Mr. Parker,  
Mr. Bearss was excused from a further call of the Senate.

On motion by Mr. McLean,  
Messrs. Gooding and Freeland were excused from the further call of the Senate.

Mr. Hostetler moved that the further call of the Senate be suspended.

The ayes and noes were demanded by senators Burke and Hendry.

The Secretary proceeded with the call of the ayes and noes, on the question of suspending the further call of the Senate.

Pending which,  
Mr. Hill asked to be excused from voting on the question, for the following reasons:

"I ask to be excused from voting, because I am busy writing letters to my constituents, which is more interesting to me, and, I think, more important to them than voting on this question."

Objections being made by several senators,  
The ayes and noes were demanded by senators Rugg and Hendry.

*Those who voted in the affirmative were,*

Messrs. Chapman, Griggs, Hendry, Hill, Slater of Dearborn, Slater of Johnson, Weir and Wilson—7.

*Those who voted in the negative were,*

Messrs. Alexander, Bobbs, Burke, Cooper, Cravens, Crouse, Drew, Ensey, Fisk, Green, Hargrove, Heffren, Hostetler, Johnston, Mansfield, Mathes, Miller, Murray, McCleary, McClure, McLean, Richardson, Rice, Rugg, Sage, Tarkington and Thompson—27.

So the senator was not excused from voting.



The Secretary completed the call of the ayes and noes on the question of suspending the further call of the Senate.

*Those who voted in the affirmative were,*

Messrs. Alexander, Drew, Fisk, Hargrove, Heffren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Tarkington and Wilson—20.

*Those who voted in the negative were,*

Messrs. Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Green, Hendry, Hill, March, Parker and Thompson—14.

So the further call of the Senate was suspended.

The Secretary completed the call of the Senate on the question of the appeal of the senator from Jefferson and the Senator from Tipton.

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Heffren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Sage, Slater of Dearborn, Slater of Johnson and Wilson—21.

*Those who voted in the negative were,*

Messrs. Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Green, Griggs, Hendry, Hill, Murray, Parker, Rice and Thompson—17.

So the decision of the President was sustained.

Mr. Johnston moved the previous question.

The question being, will the Senate second the motion?

The ayes and noes were demanded by senators Murray and Weir.

The secretary proceeded with the call of the ayes and noes,  
Pending which,

Mr. Yaryan moved a call of the Senate.

Which was not agreed to.

The secretary proceeded with the call of the ayes and noes on the question of seconding the call for the previous question,

Pending which,

**Mr. Cravens** asked to be excused from voting on the question for the following reasons :

" In asking to be excused from voting in this case, I am influenced by considerations which reach back to the origin of the present dilemma. It is a fact within the knowledge of the Senate, that the journals are the authentic, authoritative, and only legal and constitutional record of its proceedings; the only source of information as to its business, doings, and resolves. This journal declares the fact that at a regular and usual session of this body, the Senate took from the table the report of the judiciary committee in the case of Leroy Woods, which report states, from facts adduced before said committee, that said Leroy Woods, although elected senator from Clark county in 1854, by accepting of an appointment at the hands of the Governor, as Moral Instructor to the State prison, and by such acceptance, had vacated his office as such senator; and upon the above statement of facts recommended to this Senate, the adoption of a resolution declaring his seat as senator from the county of Clark vacant.

At the regular session, as stated above, when the Senate took from the table the aforesaid report, the resolution thereto appended, recommended by said committee declaring the seat of said Woods vacated, was, by a vote of the Senate, concurred in.

Such is the showing and reading of the journal. Now after the lapse of some fifteen or twenty days comes the senator from Putnam, surnamed Johnston, and asks to reinstate said Woods, by a resolution declaring said Woods a senator and member of this Senate, entitled to all its rights and privileges. In view of all the facts I regard the resolution of the senator from Putnam, as in effect, and only contradicting the journal, which I deem to be wholly out of order and unparliamentary, aiming, as it only can, at a correction of the journal by indirection. Upon this view of the case I submitted the question as to whether the above resolution was in order. The President of the Senate decided the resolution was in order. From that decision of the President, I respectfully appealed to the Senate.

The question coming up on the appeal, several senators asked to be excused on the ground, among others, that the Senate was not full and that some who are interested in the business now before the Senate are necessarily absent. Hence, in order that justice may be done, and that a clear vote of the entire Senate may be had in the premises, I asked to be excused from voting in this case, in the hope that a final vote may be delayed until all the senators elected are present."

Objections being made by several senators to excusing the senator from Jefferson from voting.

The ayes and noes were demanded by senators Murray and Hendry.

*Those who voted in the affirmative were,*

**Messrs. Burke, Cooper, Hendry, March and Weir—5.**

*Those who voted in the negative were,*

**Messrs. Alexander, Blair, Bobbs, Brown, Chapman, Crouse, Drew, Ensey, Fisk, Green, Griggs, Hargrove, Heffren, Hostetler, Johnstson, Mansfield, Mathes, Miller, Murray, McCleary, McClure, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Tarkington, Thompson, Wilson and Yargan—32.**

So the senator was not excused from voting.

The secretary proceeded with the call of the ayes and noes on the question of seconding the call of the previous question :

Pending which,

Mr. Green asked to be excused from voting on the question for the following reasons :

“ The undersigned, a senator on this floor, asks the Senate to excuse him from voting upon the question now put, for the following special reasons :

“ The seat of Leroy Woods as senator from the county of Clark, early in the session was put in issue and referred to the committee on the judiciary, and after a full investigation of the whole matter relative to his right to a seat upon this floor, the said committee made their report in the case, setting forth that the said Leroy Woods was not entitled to a seat as a senator upon this floor ; that by a vote of this Senate the report of said committee was concurred in, and adopted, and the said Leroy Woods was declared not a senator upon this floor.

“ That on the 19th day of this instant, while the Senate was engaged in the regular business of the day, the Hon. Senator from Putnam rose in his seat, and asked leave to introduce a resolution, which out of courtesy was granted the senator. The resolution so offered was a fire brand thrown into this body at a very late hour in the session, when the interest of the State much required the peace and quiet of this body, to complete the large amount of pressing business now on the files. Again, the undersigned holds that the introduction of the resolution at this very time, when some of the republican senators are absent on account of sickness, giving the friends of the resolution a decided advantage of the other party, is an effort to take advantage of the misfortunes of the republican party, and to press this matter through during the absence of the sick members ; which wrong in the opinion of the senator asking to be excused, ought not to be tolerated.

**JOHN GREEN.”**

Objections being made by several senators to excusing the senator from Tipton from voting.

The ayes and noes were demanded by senators Hendry and Murray.

*Those who voted in the affirmative were,*

Messrs. Griggs, Johnston and Stevens—3.

*Those who voted in the negative were,*

Messrs. Alexander, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Cravens, Crouse, Drew, Ensey, Fisk, Hargrove, Heffren, Hostetler, March, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Tarkington, Wilson and Yaryan—31.

So the senator was not excused from voting.

The secretary proceeded with the call of the ayes and noes on the question of seconding the call for the previous question ;

Pending which.

Mr. Griggs asked to be excused from voting on the question for the following reasons :

“ The President of the Senate, having decided that upon a member asking to be excused from voting, that he should state his reasons in writing, from which an appeal was taken and the Senate sustained the President. I ask to be excused on the ground that the resolution offered by the senator from Putnam to reinstate Leroy Woods, formerly a senator in this body, from the county of Clarke, is wrong, unjust, and untimely, and should he be permitted to take his seat it will add to the strength of the old line party, and believing as I do that the policy of the party is subversive of the best interests of our common country, I cannot directly or indirectly aid in strengthening the power of the party which holds the following doctrines :

The Richmond Examiner, one of the leading Democratic papers in Virginia, ardently supporting Mr. Buchanan, holds the following language in a late issue :

“ Until recently, the defense of slavery has labored under great difficulties, because its apologists (for they were mere apologists) took half-way grounds. They confined the defense of slavery to mere negro slavery : thereby giving up the slavery principle, admitting other forms of slavery to be wrong.

“ The line of defense, however, is now changed. The South now maintains that slavery is right, natural and necessary, and does not

depend on difference of complexion. The laws of the slave States justify the holding of white men in bondage."

Another Buchanan paper, the leading one in South Carolina, says :

"Slavery is the natural and normal condition of the laboring man, whether white or black. The great evil of Northern free society is, that it is burdened with a servile class of mechanics and laborers, unfit for self-government, yet clothed with the attitudes and powers of citizens. Master and slave is a relation in society as necessary as that of parent and child ; and the Northern States will yet have to introduce it. Their theory of free government is a delusion."

The Richmond (Va.) Enquirer, Mr. Buchanan's confidential organ, and considered by the Democratic party as its ablest paper in the South, speaks as follows in a recent number :

"Repeatedly have we asked the North 'has not the experiment of universal liberty failed? Are not the evils of free society insufferable? And do not most thinking men among you propose to subvert and reconstruct it? Still no answer. This gloomy silence is another conclusive proof added to many other conclusive evidences we have furnished, that free society in the long run, is an impracticable form of society ; it is everywhere starving, demoralizing and insurrectionary.

"We repeat, then, that policy and humanity alike forbid the existence of the evils of free society to new people and coming generations.

"Two opposite and conflicting forms of society cannot, among civilized men co-exist and endure. The one must give away and cease to exist, the other become universal.

"If free society be unnatural, immoral, unchristian, it must fall, and give way to a slave society—a social system old as the world, universal as man."

And the Muscogee (Ala.) Herald, says :

"Free society ! we sicken at the name. What is it but a conglomeration of greasy mechanics, filthy operatives, small-fisted farmers, and moonstruck theorists ! All the Northern men, and especially the New England States, are devoid of society fitted for well-bred gentlemen. The prevailing class one meets with is that of mechanics struggling to be genteel, and small farmers who do their own drudgery ; and yet who are hardly fit for association with a Southern gentleman's body servant. This is your free society which the Northern hords are trying to extend into Kansas."

S. W. Downs, late Democratic Senator from Louisiana, in an elaborate and carefully prepared speech, published in the Washington Globe, says :

"I call upon the opponents of slavery to prove that the white laborers of the North are as happy, as contented, or as comfortable as the slaves of the South. In the South the slaves do not suffer one-tenth of the evils endured by the white laborers of the North. Poverty is unknown to the southern slave; for as soon as the master of slaves becomes too poor to provide for them, he sells them to others who can take care of them. This, sir, is one of the excellencies of the system of slavery, and this the superior condition of the southern slave over the northern white laborer."

Senator Clemens, of Alabama, declared, in a speech in the U. S. Senate, that "the operatives of New England were not as well situated, nor as comfortably off as the slaves that cultivate the rice and cotton fields of the South."

In a recent speech by Mr. Reynolds, candidate for Congress from Missouri, that gentleman distinctly asserted that—

"The same construction of the power of Congress to exclude slavery from a United States Territory, would justify the government in excluding foreign-born citizens—Germans and Irish, as well as niggers."

"We rejoice that the great issue in the canvass will turn on this doctrine, because it will force the South into defending slavery on principle. She contends now for its equal extension with other social forms, and must contend that it is equally worthy of extension. Her old grounds of apology and excuse will avail her nothing. She must examine history and statistics, and prove that slaves are as well provided for, as happy and contented in general, as hired laborers. She can easily show that they are better off in all these respects than hirelings, and, besides, far less addicted to crime. She must also show that slave owners are the equals in morality, piety, courage and intelligence, to bosses and employers. It will be easy to prove that they are their superiors. It will only remain for her to show that the bible sanctions slavery, and the victory will be complete."—Richmond Enquirer, June 13, 1856.

Senator Butler, (the uncle of Preston S. Brooks,) declared in a speech in the U. S. Senate, this session:

"That men have no right to vote unless they are possessed of property as required by the constitution of South Carolina. There no man can vote unless he owns ten negroes, or real estate to the value of ten thousand dollars."

In reference to the murder of Keating, the Irish waiter, at Willard's Hotel, Washington City, by Hon. Philip T. Herbert, the Charleston Standard says:

"If white men accept the office of menials, it should be expected that they will do so with an apprehension of their relation to society, and the disposition quietly to encounter both the responsibilities and liabilities which the relation imposes."

The Alabama Mail, in commenting on the same, says:

"It is getting time that waiters at the North were convinced that they are servants, and not 'gentlemen' in disguise. We hope this Herbert affair will teach them prudence."

"But the worst of all these abominations is the modern system of free schools. The New England system of free schools has been the cause and prolific source of the infidelities and treason that have turned her cities into Sodoms and Gomorrahs, and her land into the common nestling places of howling bedlamits. We abominate the system because schools are free."

The Washington Union, the national organ of the "Democratic" party, says that the honest and heroic free laboring men of Kansas, "are a miserable, blear-eyed rabble, who have been transferred like so many cattle to that country."

The New York Day Book, one of the two papers in New York city that supported James Buchanan, proposes to enslave poor Americans, Germans, and Irish, who may fall into poverty and be unable to support their families. Here are the Day Book's exact words, in speaking of the poor white people:

"Sell the parents of these children into slavery. Let our legislature pass a law that whoever will take these parents and take care of them and their offspring, in sickness and in health—clothe them, feed them, and house them—shall be legally entitled to their service; and let the same legislature decree that whoever receives these parents and their children, and obtains their services, shall take care of them as long as they live."

Objections being made by several senators to excusing Mr. Griggs from voting,

The ayes and noes were demanded by senators Green and Burke.

*Those who voted in the affirmative were,*

Messrs. Blair, Cooper, Gooding, Hendry and Suit—5.

*Those who voted in the negative were,*

Messrs. Alexander, Bobbs, Burke, Chapman, Cravens, Crouse,

Drew, Ensey, Fisk, Green, Hargrove, Heffren, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Mathes, Miller, McCleary, McClure, Parker, Richardson, Rugg, Slater of Dearborn, Stevens, Tarkington, Wallace, Wilson and Yaryan—31.

So the Senator was not excused from voting.

On motion.

Messrs. Sage and Weir were excused till 2 o'clock P. M.

The Secretary completed the call of the ayes and noes on the question of seconding the call for the previous question.

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Drew, Fisk, Hargrove, Heffren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, Richardson, Rugg, Slater of Dearborn, Suit, Tarkington, Wallace and Wilson—20.

*Those who voted in the negative were,*

Messrs. Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Green, Griggs, Hendry, Hill, March, Parker, Stevens and Yaryan—16.

So the call was not seconded, for want of sufficient vote in the affirmative under the rules of the Senate.

On motion by Mr. Cravens,

The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

Mr. Murray moved to indefinitely postpone the further consideration of the resolution of Mr. Johnston.

A message from the House by Mr. Bowes, their clerk:



**MR. PRESIDENT :**

I am directed by the House of Representatives to bring to the Senate, enrolled bill of the House No. 77. An act to amend the first section of an act entitled "an act to incorporate the Cannelton Paper Mill," approved February 18, 1848, so as to give power to manufacture other articles, and changing the names of the corporators; and request the signature of the President of the Senate thereto.

The President signed the bill.

The following message from the Governor, by Mr. Osborne, executive messenger :

**MR. PRESIDENT :**

I am directed by His Excellency, the Governor, to inform the Senate that he has approved and signed the following bills :

Senate bill No. 16. An act providing for the taxation of costs in cases where lands are attached by process from the circuit courts and courts of common pleas, where the claim is less than fifty dollars. Also,

Senate bill No. 14. An act to provide for the approval of the official bonds of constables.

Mr. Weir, chairman of the committee on enrolled bills, made the following report :

**MR. PRESIDENT :**

The committee on enrolled bills have compared the enrolled with the engrossed bill of the Senate No. 16, and find it to be a true copy thereof.

Mr. Weir, chairman of the committee on enrolled bills, made the following report :

**MR. PRESIDENT :**

The committee enrolled bills have compared the enrolled with the engrossed bill of the Senate No. 14, and find it to be a true copy thereof.

Mr. Murray moved that the Senate now adjourn.

The ayes and noes being demanded by five senators,

*Those who voted in the affirmative were.*

Messrs. Blair, Bobbs, Burke, Cooper, Chapman, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir and Yaryan—24.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Heffren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace and Wilson—22.

So, pending the motion to indefinitely postpone the resolution of the senator from Putnam,  
The Senate adjourned.

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SATURDAY MORNING, 9 o'clock, A. M.,  
February 21, 1857. }

The Senate met.

The journal of the preceding day was read.

The President announced that the first thing in order was the consideration of the motion to indefinitely postpone the resolution of the senator from Putnam, pending at adjournment.

Mr. Hostetler moved to lay the motion to indefinitely postpone on the table.

The ayes and noes being demanded by senators Hostetler and Drew.

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Heffren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington and Wallace—21.

*Those who voted in the negative were,*

Messrs. Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, March, Murray, Parker, Rice, Stevens, Suit, Thompson, Weir and Yaryan—22.

So the motion was not laid on the table.

Mr Hendry moved that a call of the Senate be ordered.  
Which was not agreed to.

The question then being shall the resolution be indefinitely postponed?

The ayes and noes were demanded by two senators.

*Those who voted in the affirmative were*

Messrs. Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, March, Murray, Parker, Rice, Stevens, Suit, Thompson, Weir and Yaryan—22.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Heffren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Tarkington and Wallace—22.

So the resolution was not indefinitely postponed by the casting vote of the President.

Mr. Murray moved to refer the resolution to the committee on the judiciary.

Mr. Heffren moved to lay the motion on the table.

The ayes and noes being demanded by senators Hostetler and Hendry.

*Those who voted in the affirmative were,*

Messrs. Brown, Drew, Fisk, Gooding, Hargrove, Heffren, Hill, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington and Wallace—19.

*Those who voted in the negative were,*

Messrs. Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse,

Ensey, Freeland, Green, Griggs, Hendry, Hill, March, Murray, Rice, Stevens, Suit, Thompson, Weir and Yaryan—21.

So the motion was not laid on the table.

On motion by Mr. Cravens,  
Leave of absense was granted senators Kinley and Wilson.

The question recurring on the adoption of the motion to refer the resolution to the committee on the judiciary.

The ayes and noes were demanded by senators Murray and Suit.

*Those who voted in the affirmative were,*

Messrs. Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, March, Murray, Rice, Sage, Stevens, Suit, Thompson, Weir and Yaryan—22.

*Those who voted in the negative were,*

Messrs. Brown, Drew, Fisk, Gooding, Hargrove, Heffren, Hestetler, Johnson, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington and Wallace—20.

So the resolution was referred to the committee on the judiciary.

The following protest was presented by Mr. Wallace:

*To the President of the Senate:*

As a part of our protest against the action of the Republican senators, in their pretended expulsion of Leroy Woods, senator from the county of Clark, we beg leave to offer the following statement of facts:

A majority of the judiciary committee, to which was referred the inquiry as to the right by which Leroy Woods held his seat as senator, on the —— day of January, 1857, reported a resolution to the effect that he had vacated his seat, which resolution, with the accompanying majority report, was laid upon the table for the further action of the Senate. (Vide Sen. Jour. 1857.)

On the 12th day of January, a joint convention was held in the hall of the House of Representatives, at which time and place it was adjourned until 2 o'clock, on February 2nd.

At 2 o'clock P. M., on said 2nd of February, 1857, whilst the Senate was in regular session, Hon. A. A. Hammond, President of the Senate, arose in his place and informed that body that the hour

had arrived for the meeting of the joint convention, pursuant to its adjournment, and, leaving the chair, he was followed to the representatives hall by the Democratic senators, of whom not one remained behind, so that at least twenty-three were out of the Senate chamber during the session of the joint convention.

The joint convention was immediately adjourned till 10 o'clock A. M., February 4, and altogether the senators above named, with the President, were absent from the Senate chamber about fifteen minutes. Your protestants returned directly to the Senate chamber, and were informed that the senators, Republicans, with one Fillmore gentleman (Mr. Crane), had proceeded in our absence to transact certain business, and for that purpose calling Mr. Burke, of Wayne, to the chair, as President *pro tem*.

Next morning, Feb. 3, the secretary read the following extracts as the minutes of the business transacted by said senators in our absence, as aforesaid, and which are falsely made to appear on the Journal as business regularly transacted by the Senate:

“February 2, 1857.

“The President laid before the Senate the report of the Attorney General, in relation to the claim of Morehead, Hall & Co., against the State of Indiana.

“Pending the reading of which by the secretary, the President left the chair.

“On motion by Mr. Griggs,

Senator Burke was called to the chair as President *pro tem*.

“On motion by Mr. Cravens,

The rules were suspended, and the majority report of the committee on the judiciary, in reference to the right by which Leroy Woods, senator from the county of Clark, holds his seat as such senator, was taken from the table.

“The secretary read the following resolution contained in said report, viz:

“*Resolved*, That Leroy Woods, by accepting of the office of Moral Instructor for the State Prison, discharging its duties, and receiving the emoluments thereof, since his election as a senator from the county of Clark, has vacated his office of senator, and he is not entitled to his seat in the Senate.

“On motion by Mr. Cravens,

The report was concurred in, and, //

“On motion by Mr. Griggs,

The Senate adjourned.”

Now, your protestants solemnly allege—

*First*—That at the time said proceedings were had, as set out in said extract, the Hon. A. A. Hammond was in the hall of the House of Representatives, so that neither twenty-three senators nor the

President of the Senate were present, voting, or taking any part in said transactions.

*Second*—That at the time of the adoption of the resolution vacating the seat of the said Leroy Woods, there was not a quorum of the Senate in the Senate chamber; and as Mr. Crane, senator from Floyd, voted "no" upon the passage of the resolution, and Mr. Sage, from Switzerland, was absent, it was not adopted by a majority of the Senate.

*Third*—That the Republican senators by whom that resolution was adopted, and the Secretary of the Senate, by whom or under whose direction, the above extract was made up, all knew that there was no quorum present, and that the resolution was not adopted by a majority of the Senate; and that the said extract, so far as it pretended to be a full and true journal of that day's proceedings of the Senate, is false and incorrect.

*Fourth*—That said Republican senators, knowing the falsity of the journal in the above respect, refused the next morning, and from that time to this have continued to refuse, to suffer the same to be expunged, and have also persisted in refusing to recognize the said Leroy Woods as a Senator, or allow him to discharge his duties as the senatorial representative of the people of Clark county.

Your protestants aver, that the powers of a less number than a quorum of the Senate are specifically defined, in sec. 11 art. 4 of the constitution, which reads: "Sec. 11. Two-thirds of each house shall constitute a quorum to do business, but a smaller number may meet, adjourn from day to day and compel the attendance of absent members." Less cannot transact business of any kind, much less adopt a resolution operating to the expulsion of a senator.

We further aver, that by section 14 of the same article of the constitution, a senator cannot be expelled, directly or indirectly, except by a concurring two-thirds vote of the Senate. That section reads: "Either house may punish its members for disorderly behavior, and may, with the concurrence of two-thirds, expel a member."

We further aver, that it is not in the power of even a quorum of the Senate to call a senator to the chair as President *pro tem.*, for the transaction of business, unless, 1st, the Lieutenant Governor shall act as Governor. or, 2nd. shall be unable to attend as President of the Senate.

Section 11, article 5. of the constitution, says: "Whenever the Lieutenant Governor shall act as Governor, or shall be unable to attend as President of the Senate, the Senate shall elect one of its own members as president for the occasion."

As the Republican senators, on the occasion of their pretended expulsion of Leroy Woods, did call Mr. Burke, of Wayne, to the chair as President *pro tem.*, the Hon. A. A. Hammond being able at the time to attend the Senate as President, and not acting as Governor, we charge them with the guilt of an open violation of

the constitution, which they have made wanton and criminal, by their obstinate persistence in refusing to allow Leroy Woods to discharge his duties as senator, thereby depriving the people of Clark county of all representation upon the floor of the Senate.

Against the pretended expulsion of Leroy Woods, and the action of the Republican senators in that matter, and the wilful falsification of the Journal for the 2nd February last, by the Secretary of the Senate, we solemnly protest.

A. J. HOSTETLER,  
DAVID MCCLURE,  
WILLIAM E. MCLEAN,  
R. D. SLATER,  
WILLIAM MANSFIELD,  
JOHN SLATER,  
ANDREW R. MCCLEARY,  
R. W. FISK,  
SAMUEL L. RUGG,  
J. J. ALEXANDER,  
JOHN MATHES.

LEW. WALLACE,  
W. C. TARKINGTON,  
JOHN HARGROVE,  
WM. B. RICHARDSON,  
HORACE HEFFREN,  
ARCHIBALD JOHNSTON,  
JAMES E. WILSON,  
G. W. BROWN,  
LEROY WOODS,  
HUGH MILLER,  
CYRUS K. DREW.

I concur, generally, in the above statement of facts, a small portion thereof not being in, within my personal knowledge.

DAVID S. GOODING.

On motion by Mr. Murray,  
The order of business was suspended, and,  
Mr. Murray offered the following resolution :

*Resolved.* That when the Senate adjourns, it shall stand adjourned till Monday next at 9 o'clock A. M.

The ayes and noes being demanded by senators Heffren and Wallace.

*Those who voted in the affirmative were,*

Messrs. Bobbs, Brown, Burke, Chapman, Cooper, Crane, Crouse, Ensey, Hendry, Johnston, Murray, McLean, Parker, Rice, Suit, Thompson, Weir and Yaryan—18.

*Those who voted in the negative were,*

Messrs. Alexander, Blair, Cravens, Drew, Fisk, Gooding, Green, Hargrove, Heffren, Hill, Hostetler, March, Mansfield, Mathes, Miller, McClure, Richardson, Rugg, Sage, Tarkington and Wallace—21.

So the resolution was not adopted.

The order of business being suspended,  
Mr. Cravens offered the following resolution :

*Resolved*, That when the Senate adjourns, it will stand adjourned till Monday next at 2 o'clock P. M.

Mr. Gooding moved to amend the resolution by striking out "2 o'clock P. M.," and inserting "10 o'clock A. M."

Which was not agreed to.

The question then recurred on the adoption of the resolution ?

The ayes and noes being demanded by senators Heffren and Mansfield,

*Those who voted in the affirmative were,*

Messrs. Bobbs, Burke, Chapman, Cooper, Cravens, Ensey, Hendry, Johnston, Stevens, Suit and Thompson—11.

*Those who voted in the negative were,*

Messrs. Alexander, Blair, Brown, Crane, Crouse, Drew, Fisk, Gooding, Green, Hargrove, Heffren, Hill, Hostetler, March, Mansfield, Mathes, Miller, McClure, McLean, Parker, Richardson, Rice, Rugg, Sage, Tarkington, Wallace and Weir—28.

So the resolution was not adopted.

Mr. Johnston was granted leave of absence till Monday morning at 9 o'clock.

On motion by Mr. Wallace,

The Senate adjourned.



2 O'CLOCK, P. M.

The Senate met.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Cravens presented the petition of L. M. Beckett, and many other persons, asking an amendment to the law relative to the jurisdiction of justices of the peace, so as to give them jurisdiction over the territories of their respective counties.

Which,

On motion by Mr. Cravens,

Was referred to the committee on the judiciary, without reading.

Mr. Bobbs presented a memorial from the Indiana State Medical Society, asking for the passage of a law for an exact and efficient system of registering the births, deaths and marriages within the State.

Which,

On motion,

Was referred to a select committee of three, to be composed of physicians.

Messrs. Bobbs, Sage and Freeland were appointed said select committee.

REPORTS FROM STANDING COMMITTEES.

Mr. Murray, chairman of the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary to whom was referred House bill No. 104, "an act to repeal section 10 of an act entitled 'an act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensating of judges thereof,' approved June 11, 1852," have had the same under consideration, and directed me to report it back without amendment, and respectfully recommend its passage.

The report was concurred in and the bill laid on the table.

Mr. Parker, chairman of the committee on swamp lands, made the following report :

MR. PRESIDENT:

The committee on swamp lands to whom was referred Senate bill No. 102, a bill to amend section 25 of "an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the conditions of said grant, approved May 29th, 1852, and also to facilitate the ditching and draining of swamp lands, and to provide for the payment thereof in certain cases therein mentioned, have had the same under consideration and propose thereto the following amendments, and upon being so amended they would recommend its passage.

Insert after the first section of the bill the following section :

Sec. 2. That all contracts heretofore made by any of the swamp land commissioners, with any person or persons, for the ditching and draining of any of the swamp lands, in any of the several counties of this State, to be paid for in swamp lands, may be ratified and confirmed by such commissioner. *Provided, however,* That the ditching and draining to be done shall be fully completed according to the original plan and estimates, before the title to the land to be received in payment therefor, shall rest in such person or persons.

Amend by changing sec. 2 of the bill to sec. 3; and strike out the following lines of said section :

"And when said contract shall be completed the commissioner shall issue his warrants for the value of the same, on the treasurer of the proper county, on presentation of which, the auditor of such county shall issue a certificate of entry;" and insert the following: "And the contractor as fast as he shall receive estimates for work done upon his contract shall have the privilege of receiving a certificate of entry from the treasurer of the proper county for lands selected by him, to enter to an amount not exceeding 75 per cent. of the amount of the estimate, and upon which he shall be entitled to receive a patent from the State."

Amend by changing section 3 of bill to section 4.

Amend by adding the following section :

Sec. 5. As there is no law now in force authorizing the proceedings contemplated by this bill, and as a large amount of swamp lands, overflowed lands in this State could be drained, if the draining could be paid for in swamp lands, it is hereby declared that an emergency exists for the immediate taking effect of this act, and that this act shall be in force from and after its passage; and it is hereby made the duty of the Secretary of State, to cause a copy of this act to be filed in the offices of auditor and treasurer of each of the several counties of this State.

The report was concurred in, the amendments adopted and the bill ordered to be engrossed.

Mr. Parker, from the committee on swamp lands, made the following report :

MR. PRESIDENT :

The committee on swamp lands, to whom was referred Senate bill No. 74, a bill for the relief of Andrew Scott, have had the same under consideration, and have instructed me to recommend that it be laid on the table.

The report was concurred in.

#### RESOLUTIONS.

On motion by Mr. Richardson,

*Resolved*, That Messrs. Sage, Tarkington, Cravens, Brown and Parker be, and they are hereby appointed a committee on the part of the Senate, to act with a similar committee on the part of the House of Representatives, to prepare and present to the Senate and House of Representatives a bill to apportion the State for senatorial and representative purposes, in which the concurrence of the House of Representatives is respectfully requested.

On motion by Mr. Tarkington,

*Resolved*, That the "orders of the day" be taken up every day at 2 o'clock, P. M., unless sooner reached in the regular order of the business of the Senate.

Mr. Hostetler offered the following resolution :

*Resolved*, That no senator shall speak more than fifteen minutes to any one question without the unanimous consent of the Senate.

Mr. Weir moved to lay the resolution on the table.

The ayes and noes being demanded by senators Tarkington and Hostetler,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Cooper, Crane, Drew, Griggs, Hefren, Hendry, March, Murray, Parker, Rice, Slater of Johnson, Stevens, Suit, Thompson, Weir and Yaryan—19.

*Those who voted in the negative were,*

Messrs. Alexander, Cravens, Crouse, Ensey, Green, Hargrove,

Hill, Hostetler, Mansfield, Mathes, Miller, McClure, Richardson, Rugg, Sage, Slater of Dearborn, Tarkington and Wallace—18.

So the resolution was laid on the table.

On motion by Mr. Griggs,

*Resolved*, That a select committee be appointed to inquire, and report to the Senate, the amount drawn from the State Treasury during the terms of service of Ex-Governor Joseph A. Wright, for his benefit, including his annual salary and expenses for the Governor's house; setting forth the items, and what became of such items, and the amount of expenses for all other purposes, specifying the amounts drawn for each such purpose. Also, the expenses paid out of the contingent fund, and for what purpose; and, also, the amount of all fees received by him in addition to his salary, for what purpose, and under what circumstances such fees were received. Also, the amount of all profits derived by him from any transactions made in his official capacity; and that they have power to send for persons and papers.

Messrs. Griggs, Gooding and Slater of Dearborn, were appointed said select committee, in compliance with the above resolution.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Parker introduced

Senate bill No. 125. A bill to amend the 78th section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings, and forms in criminal actions, in the courts of this State," approved June 17, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Hendry introduced

Senate bill No. 126. A bill to provide for the printing and distribution of the acts of the General Assembly.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Tarkington introduced

Senate bill No. 127. A bill to amend section 5th of an act prescribing the manner of empanneling petit jurors, the number and compensation thereof, approved May 20, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Parker introduced

Senate bill No. 128. A bill authorizing the Treasurer of State to pay purchase money, as therein provided, to any person who entered land of the general government in this State, a part of which was subsequently returned as swamp lands, and the purchase money paid by the general government into the treasury of this State.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Tarkington introduced

Senate bill No. 129. A bill to regulate and determine the fees of judges in writs of habeas corpus, injunctions, and restraining orders, in the vacation of courts.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Heffren introduced

Senate bill No. 130. A bill to authorize the record of deeds, or transcripts thereof, to be read in evidence, where in certain cases they have been recorded in the adjoining county.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. March introduced

Senate bill No. 131. A bill to provide for oral argument and speedy decision of causes in the Supreme Court.

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

#### *Senate Bills on Third Reading.*

Senate bill No. 30. A bill to enable the Governor, Auditor and Treasurer of State, with the advice of the Attorney General, to compromise actions, or causes of action, between the State and a citizen, or citizens thereof.

Was read a third time.

The question being shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Cooper, Cravens, Crouse, Drew,

Green, Griggs, Hill, March, Miller, Murray, Parker, Sage, Stevens, Suit, Wallace and Yaryan—19.

*Those who voted in the negative were,*

Messrs Alexander, Crane, Ensey, Hargrove, Heffren, Hendry, Hostetler, Mansfield, Mathes, McClure, Richardson, Rice, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Thompson and Weir—18.

So the bill did not pass for want of a constitutional majority.

#### SENATE BILLS ON SECOND READING.

Senate bill No. 108. A bill to amend an act entitled "an act providing for the election and prescribing certain duties of county surveyors.

Was read a second time, and,

On motion by Mr. Richardson,

Referred to the committee on county and township business.

Senate bill No. 105. A bill defining misdemeanors and prescribing punishment therefor.

Was read a second time.

Mr. March moved to amend the bill as follows :

Amend by adding the following sections after the first section :

Sec. —. If any person let a house or other building, knowing that the lessee intends to use it as a place or resort for the purpose of prostitution, or lewdness, or knowingly permit such lessee to use the same for such purpose, he shall be punished by fine, not exceeding five hundred dollars, to which may be added imprisonment in the county jail not exceeding six months.

Sec. —. Houses and rooms of ill-fame, kept for the purpose of prostitution and lewdness, are nuisances, and may be abated as such.

Mr. Green moved to further amend the bill as follows :

Amend section — so as to read not less than "ten" dollars, instead of fifty dollars.

On motion by Mr. Heffren,

The bill and pending amendments were referred to the committee on the judiciary.

Senate bill No. 104. A bill to repeal an act entitled "an act to establish a bank with branches," passed by both branches of the

General Assembly of 1855, the Governor's objection to the contrary notwithstanding.

Was read a second time, and,

On motion by Mr. Crane,

Referred to the committee on banks.

Senate bill No. 103. A bill to provide for the redemption or purchase of the bank bonds and Indiana and other State stocks, and United States stocks, providing for the manner of doing the same, and defining the duties of certain officers in connection therewith.

Was read a second time.

Mr. Bobbs offered the following amendment to the bill :

Sec. 13. And inasmuch as it is believed by some that the powers of the present Board of Sinking Fund Commissioners will cease from and after the first day of January, 1859, therefore, be it further enacted, that at the general election to be held on the first Tuesday in October, 1858, there shall be elected by the qualified voters of the State, a President and four Commissioners of the Sinking Fund, who shall enter upon the discharge of their duties on the first day of January, 1859, and continue in office for the period of four years ; and who shall from time to time, discharge the various duties that are now required of the present board, or may from time be required of them by law.

Sec. 14. Before entering upon the discharge of their duties, they shall take the official oath required by the constitution of this State, and shall each execute a bond payable to the State of Indiana, in the penal sum of one hundred thousand dollars, to be approved of by the Governor of the State, conditioned for the faithful discharge of their duties, which said bond shall be filed in the office of the Secretary of State.

Sec. 15. Said board when organized shall have power to appoint a secretary, who shall take a like oath, and execute a like bond as is required of said President and Commissioners. He shall hold his office during the pleasure of the board, and receive such compensation as may be established by law.

Sec. 16. On the first day of January, 1859, it shall be the duty of the present Board of Commissioners of the Sinking Fund to make settlement with the Governor, Auditor, Secretary and Treasurer of State, of all matters connected with said fund, and of all matters connected with the interest of the State in the State bank, and immediately after having so done, they shall pay over and deliver to the Board of Commissioners organized under this act, all the moneys, books, papers, bonds and effects of every name, kind and nature, belonging to said fund in their hands or under their control.

On motion by Mr. Wallace,

The bill and pending amendments were laid upon the table.

Senate bill No. 32. A bill defining the jurisdiction of grand juries, regulating the finding by them of informations for misdemeanors, specifying the duties of certain officers in connection with such juries and repealing certain sections of laws inconsistent herewith.

On second reading,

Was taken from the table, and,

On motion by Mr. Wallace,

Referred to the committee on the organization of courts.

Senate bill No. 114. A bill to amend section 23 of an act entitled "an act for the incorporation of cities."

Was read a second time.

Mr. McClure moved to refer the bill to a select committee of three.

Which was agreed to.

Messrs. McClure, Weir and Crane were appointed said select committee.

Senate bill No. 113. A bill to secure due payment of costs in justices' courts in State prosecutions.

Was read a second time.

Mr. Heffren moved to refer the bill to a select committee of three.

Which was agreed to.

Messrs. Yaryan, Hostetler and Parker were appointed said select committee.

Senate bill No. 115. A bill to amend an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity; approved June 18, 1852.

Was read a second time, and,

On motion by Mr. March,

Referred to the committee on the judiciary.

Senate bill No. 112. A bill to repeal section first of an act entitled "an act prescribing the duties and fixing the compensation of State Agent, approved June 17, 1852, and to provide for the election of State Agent by the people.

Was read a second time, and ordered to be engrossed.

Senate bill No. 116. A bill to amend section 6, and to repeal sections 34 and 54 of an act passed March 3, 1855, to amend an act



to authorize and regulate the business of general banking; approved May 25, 1852.

Was read a second time, and,

On motion by Mr. Green,

Referred to the committee on banks.

Senate bill No. 111. A bill to regulate and license the use and sale of liquors.

Was read a second time.

Mr. Wallace moved to amend the bill so as to prohibit the eating of apples, the wearing of hoops, and the chewing of tobacco, except a license be first obtained.

Mr. Crave moved to lay the amendment on the table.

Which was not agreed to.

The question being shall the amendment be adopted?

It was decided in the affirmative.

Mr. Green moved to further amend the bill so as to make the license one shilling for gentlemen, and a sixpence for poor men, for each day.

Which was agreed to.

Mr. Weir moved to amend the bill by requiring the payment of two shillings for each drink.

On motion by Mr. Cravens,

The bill and pending amendment were referred to a select committee of three.

Messrs. Cravens, Drew and Suit were appointed said select committee.

Mr. Sage moved to instruct the committee to amend the bill, so as to appropriate the license fee for the payment of the destruction of sheep-killing dogs.

Which was agreed to.

No. 109. An act to amend the 24th section of an act entitled "an act regulating descents and the apportionment of estates," approved May 11, 1852;

Was read a second time, and,

On motion by Mr. Murray,

Referred to the committee on the judiciary.

Senate bill No. 117. A bill to authorize master commissioners and clerks of circuit courts, in the absence of circuit judges and judges of the several courts of common pleas; and, in counties

where there are no such judges resident, to issue writs of habeas corpus, and try cases arising under said writs, and to award injunctions and writs of *ne exeat*, and regulating appeals in such cases, and providing for their compensation;

Was read a second time, and,

On motion by Mr. Murray,

Referred to the committee on the judiciary.

Senate bill No. 119. A bill to amend section third of an act entitled "an act regulating prosecutions in cases of bastardy, and providing for the support of illegitimate children," approved May 6, 1852;

Was read a second time, and,

On motion by Mr. Hendry,

Referred to the committee on the judiciary.

Senate bill No. 120. A bill to enable married women, whose husbands have absented themselves, to exercise the rights of resident householders;

Was read a second time and ordered to be engrossed.

Senate bill No. 121. A bill to prohibit the issue of bank notes, for circulation, by the Bank of the State of Indiana, upon deposit, and to provide for the location of additional branches of said bank;

Was read a second time, and,

On motion by Mr. Crane,

Referred to the committee on banks.

Senate bill No. 122. A bill to prevent railroad companies from obstructing public highways, and providing punishment for the same;

Was read a second time, and,

On motion by Mr. Murray,

Referred to the committee on corporations.

Senate bill No. 123. A bill declaring the mode of publication of all notices made under orders of court, made by the officers thereof, and by all officers in the State;

Was read a second time, and,

On motion by Mr. McClure,

Referred to the committee on printing.

Senate bill No. 124. A bill in relation to the publication of legal notices in newspapers;

Was read a second time, and,

On motion of Mr. Slater of Dearborn,

Referred to the committee on the organization of courts.

By unanimous consent,  
 The order of business was suspended, and  
 Mr. Miller, chairman of a select committee, made the following report :

MR. PRESIDENT :

The select committee to whom was referred sundry bills on the subject of taxing railroad companies, to-wit :

Senate bill No. 47. A bill to provide for the taxation of railroad companies, and of the real estate of said companies; also,

Senate bill No. 71. A bill to amend sections 32 and 33 of an act entitled "an act to provide for the assessment of real and personal property, and the collection of taxes, in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors ;"

Have had the same under consideration, and have directed me to report the same back, and recommend that they be laid on the table, and propose the following bill as a substitute therefor :

The report was concurred in, and

Senate bills No. 47 and 71, contained in the foregoing report, were laid on the table; and

Senate bill No. 132. A bill to provide for the collection of taxes upon lands belonging to railroad and other incorporated companies, introduced with the foregoing report,

Was read a first time and passed to a second reading.

On motion by Mr. Tarkington,

Senate bill No. 79. A bill to prohibit certain county officers, and their deputies, from practicing as attorneys at law,

Was taken from the table and placed on the files.

The following message from the House was taken up :

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, viz :

No. 118. An act to enable the common councils of the several incorporated cities of this State, to prescribe, by ordinance, the time within which the annual assessments for city purposes shall be made, and the rolls thereof returned, and the time within which

the city tax rolls or duplicates shall be made and delivered to the collecting officers, and also the time within which such collecting officers shall make their returns.

In which the concurrence of the Senate is respectfully requested.

House bill No. 118, contained in the foregoing report,  
Was read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bills thereof:

No. 90. An act entitled "an act to amend the first section of an act prescribing the powers and duties of Auditor of State." Also,

No. 176. An act to repeal an act to incorporate the town of Vernon. Also,

No. 52. An act to amend the 31st section of an act entitled "an act dividing the State into counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers, approved June 7, 1852, so as to rectify an error in the boundary of Harrison county. Also,

No. 183. An act to amend section 68 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State; approved June 17, 1852.

In which the concurrence of the Senate is respectfully requested.

House bills Nos. 90, 175, 52 and 183, contained in the foregoing report,

Were read a first time and passed to a second reading.

The following message from His Excellency, the Governor, by Mr. Osborne, executive messenger :

MR. PRESIDENT :

I am instructed by His Excellency, the Governor, to deliver the following message to the Senate:

*Senators and Representatives :*

I have received from the Secretary of State, of the State of Illinois, a joint resolution of which the accompanying is a copy, with the request that I communicate the same to both Houses of the Legislature.

ASHBEL P. WILLARD.

## JOINT RESOLUTION.

**WHEREAS**, The State of Illinois, for the purpose of affording water to supply the Illinois and Michigan Canal, raised a dam on the Calumet river in this State, which throws backwater into the State of Indiana, and which was done in accordance with the surveys and plans of the two States ; therefore,

*Resolved*, By the House of Representatives, the Senate concurring herein, that the State of Indiana be respectfully requested to legalize the erection of said dam, for the purpose of supplying said canal with water, in accordance with the surveys and plans of the two States.

*Resolved*, That the Secretary of State be requested immediately to send a copy of the foregoing resolution to the Governor of Indiana, with a request that he lay the same before the legislature of that State.

A true copy of a joint resolution this day passed.

CHARLES LEIB, *Clerk H. R.*

UNITED STATES OF AMERICA, }  
STATE OF ILLINOIS. }

I, O. M. Hatch, Secretary of State for the State of Illinois, hereby certify the foregoing to be a true copy of the resolutions this day filed in my office.

In testimony whereof, I have hereunto set my hand and [SEAL.] great seal of State, this, 10th day of February, A. D., 1857. Done at the city of Springfield in said State.

O. M. HATCH,  
*Secretary of State.*

On motion by Mr. Rugg,

The message and accompanying resolutions were laid on the table.

A message from the House by Mr. Bowes their clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the

Senate that the House has passed the following engrossed bill thereof :

No. 105. An act to provide for the sale of school lands in cases therein mentioned.

In which the concurrence of the Senate is respectfully requested.

House bill No. 105, contained in the foregoing report,  
Was read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House have concurred in the following preamble and resolution of the Senate, to-wit :

WHEREAS, Serious complaints are being made by the people residing on the southern sections of the canal, relative to alledged mismanagement on the part of the officers charged with the care of the canal interests ; therefore,

*Resolved*, By the Senate, the House concurring, that a committee of three on the part of each House be appointed to examine into such alledged mismanagement, and inquire into the grounds of said complaints, and that they be authorized to communicate with such canal officers and other persons as they may deem proper, for the furtherance of the object of the appointment of said committee, and that they report to each House as speedily as possible.

In which the concurrence of the House is respectfully requested.

And that Messrs. Denby, Massey and Slicer are appointed said committee on the part of the House of Representatives.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof :

No. 59. An act legalizing the acknowledgement of all deeds, mortgages and other instruments required to be recorded, taken and certified by the clerks of the circuit courts of this State, after the reception of the revised statutes of 1852, in their respective counties,

In which the concurrence of the Senate is respectfully requested.

House bill No. 59, contained in the foregoing message,  
Was read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof :

No. 188. An act to amend section 4 of an act entitled " an act prescribing the powers and duties of coroners ;" approved May 27, 1852. Also,

No. 179. An act to equalize the salaries of the judges of the supreme court.

In which the concurrence of the Senate is respectfully requested.

House bills Nos. 188 and 179 were read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, viz :

No. 68. An act to amend section 136 of an act entitled " an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity ;" approved June 18, 1852. Also,

No. 88. An act for the incorporation and continuance of building loan fund and savings associations.

In which the concurrence of the Senate is respectfully requested.

House bills No. 68 and 88, contained in the foregoing message, Were read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Sen-

ate that the House has passed the following engrossed joint resolution thereof:

No. 11. A joint resolution relative to the distribution of the arms by the general government among the States.

In which the concurrence of the Senate is respectfully requested.

House joint resolution No. 11, contained in the foregoing message,

Was read a first time and passed to a second reading.

Mr. Mansfield moved that the Senate now adjourn.

Which was not agreed to.

A message from the House by Mr. Bowes, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

No. 178. An act to prevent emigration of voters from one county in this State to another, for the purpose of influencing or carrying the election in such other county, and prescribing penalties against persons aiding, abetting, counselling or engaged therein. Also,

No. 192. An act to amend section 315 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to establish distinct forms of action at law and to provide for the administration of justice in a more uniform mode of pleading and practice without distinction between law and equity. Also,

No. 225. An act to provide for the distribution of the surplus copies of revised statutes of 1852, printed in the German language.

In which the concurrence of the Senate is respectfully requested.

House bills Nos. 178, 192 and 225, contained in the foregoing message,

Were each read a first time and passed to a second reading.

On motion by Mr. Crane,  
The Senate adjourned.



MONDAY MORNING, 9 o'clock, }  
February 23, 1857. }

The Senate met.

The Secretary proceeded with the reading of the journal of Saturday;

Whereupon,

On motion,

The further reading was dispensed with.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Rugg, from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred instructions to amend Senate bill No. 34, "a bill to amend the 5th section of an act entitled "an act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855, have had the same under consideration, and have directed me to report the following bill in lieu thereof, viz:

Senate bill No. 133. A bill providing fees for county auditors, and to repeal the 8th section of the act entitled "an act regulating fees of officers, and repealing former acts in relation thereto," approved March 2, 1855, and to earnestly recommend its passage.

The report was concurred in, and Senate bill No. 133, contained therein,

Was read a first time and passed to a second reading.

Mr. Rice, from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred certain petitions praying for the repeal or modification of certain laws "to enforce liens on boats and other water crafts," have had the same under consideration, and have directed me to report the following bill and respectfully recommend its passage:

Senate bill No. 134. An act to amend the 655th section of an act entitled "an act to revise, simplify, and abridge the rules, prac-

tice, pleadings and forms, in civil cases, in the courts of this State, to abolish distinct forms of action at law, to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852;

Presented with the foregoing report,  
Was read a first time and passed to a second reading.

Mr. Richardson, from the committee on finance, made the following report :

**MR. PRESIDENT :**

The committee on finance, to whom was referred Senate bill No. 34, an act to amend section 5 of an act entitled "an act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855, have had the same under consideration, and have instructed me to report the same back without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Richardson, from the committee on county and township business, made the following report :

**MR. PRESIDENT :**

The committee on county and township business, to whom was referred House bill No. 24, "an act to amend section six of an act entitled 'an act touching the laying out and vacating towns, streets, alleys, public squares, and grounds or any part thereof; the making out and recording of plats of such towns, and providing for the change of the names of such towns,'" approved May 20, 1852, have had the same under consideration, and have instructed me to report the same back without amendment and recommend its passage.

The report was concurred in, and the bill ordered to a third reading to-morrow.

Mr. Blair, chairman of the committee on county and township business, made the following report :

**MR. PRESIDENT :**

The committee on county and township business, to whom was referred Senate bill No. 108, "a bill to amend an act providing for the election and prescribing certain duties of county surveyor," have had the same under consideration, and have directed me to

report the same back with the following amendment, and when so amended to recommend its passage:

Strike out all after the words "amended to read as follows," and insert "the several county surveyors shall be competent to take acknowledgement of mortgages, and deeds for the conveyance of real estate, and to certify the same under their hands and seals."

The report was concurred in, the amendments adopted, and the bill ordered to be engrossed.

#### RESOLUTIONS.

Mr. Heffren offered the following preamble and resolution:

WHEREAS, All true patriots and lovers of our common country revere the name of George Washington, the father of his country;

AND WHEREAS, Several of the legislatures of the several States have, upon each anniversary of his birthday, caused his farewell address to be read;

AND WHEREAS, It contains so much that is noble, good and true; Therefore,

*Resolved*, That the Secretary of the Senate be directed to read to this Senate the Farewell Address of Gen. George Washington.

Mr. March moved to amend the resolution by adding, "this evening at 7 o'clock."

Which was agreed to.

Mr. Gooding moved to further amend by adding, "and also the Lord's Prayer."

Which was agreed to.

Mr. Weir moved to further amend the resolution as follows:

"By reading Christ's Sermon on the Mount."

Mr. Sage moved to lay the resolution and pending amendments on the table.

Which was not agreed to.

Mr. Griggs moved to amend the pending amendment, so "that the Reverend Leroy Woods be requested to read Christ's sermon on the mount; and, also, Rev. W. C. Larabee, to read the Lord's Prayer."

Mr. Murray moved to refer the resolution and pending amendment to a select committee.

Which was not agreed to.

On motion by Mr. Tarkington,

The pending amendments were laid on the table.

Mr. Gooding moved to reconsider the vote on the adoption of the amendment proposed by himself.

Mr. Suit moved to postpone the further consideration of the resolution till the last day of the session.

The ayes and noes being demanded by senators Wallace and Heffren,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Bobbs, Cravens, Crouse, Drew, Ensey, Griggs, Hendry, Hill, Parker, Rice, Rugg, Sage, Suit, Thompson and Yaryan—17.

*Those who voted in the negative were,*

Messrs. Blair, Crane, Gooding, Green, Hargrove, Heffren, Hostetler, March, Mansfield, Mathes, Miller, McClure, Richardson, Slater of Dearborn, Tarkington, Wallace and Weir—17.

So the resolution was postponed by the casting vote of the President.

Mr. Johnston offered the following resolution :

*Resolved*, That when the Senate adjourns this evening, it adjourn to meet to-morrow morning, at half past eight o'clock, and that it shall be the hour of meeting every morning, during the remainder of the session.

Which was laid over one day under the rules.

On motion by Mr. Drew,

*Resolved*, That the committee on temperance be requested to return to the Senate, Senate bill No. 3.

On motion by Mr. Griggs,

*Resolved*, That Messrs. Heffren, Cravens, Wilson and March, be added to the select committee appointed to inquire into and report to the Senate the amount drawn by Governor Wright from the treasury, for his benefit, &c.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Hill introduced

Senate bill No. 135. A bill to amend the first section of an act entitled "an act for the protection of sheep," approved June 15, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Yaryan introduced

Senate bill No. 136. A bill to amend the 30th section of an act entitled "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof."

Which was read a first time.

Mr. Yaryan moved that the rules be suspended and the bill read a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Green, Griggs, Hargrove, Heffren, Hendry, Hill, Hostetler, Johnston, March, Mansfield, Mathes, Miller, Murray, McClure, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Tarkington, Thompson and Yaryan—30.

Mr. Gooding voting in the negative.

No quorum voting, so the rules were not suspended.

On motion by Mr. Murray,  
A call of the Senate was ordered.

The secretary proceeded with the call.

Pending which,  
Messrs. Fisk and Slater of Johnson were excused from the call.

The secretary completed the call.

Whereupon,  
It being found that a quorum of the Senate was present,

On motion by Mr. Tarkington,  
The further call of the Senate was suspended.

By unanimous consent,  
Mr. Tarkington introduced,

Senate bill No. 137. An act to regulate the transportation of negroes and mulattoes, upon railroads, and to prevent the escape of fugitive slaves.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Crouse introduced

Senate bill No. 138. A bill to amend an act to incorporate the Lafayette Hydraulic Company, approved January 26, 1847, so as to extend the time;

Which was read a first time and passed to a second reading

By unanimous consent,  
Mr. Drew introduced

Senate bill 139. A bill providing for the election, and prescribing certain duties of county surveyor, fixing his compensation, in certain cases, and providing a fee for county recorders in recording transcripts of surveys, and repealing "an act providing for the election and prescribing certain duties of county surveyor," approved June 17, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Rugg introduced

Senate bill No. 140. A bill districting the State, for the purpose of electing five judges of the supreme court.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Griggs introduced

Senate bill No. 141. An act to amend an act entitled "An act to exempt property from sale in certain cases," approved Feb. 17, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Bobbs introduced

Senate bill No. 142. A bill declaring the existence of an emergency for the passage, and of the immediate taking effect of an act providing for the removal of the buildings on the Governor's Circle in the City of Indianapolis, and the improvement thereof.

Which was read a first time and passed to a second reading.

By unanimous consent,  
The order of business was suspended, and,  
Mr. Gooding offered the following resolution :

*Resolved*, That 200 additional copies of Senate bill No. 110 be printed for the use of the Senate, provided the type is still standing and no greater sum charged for printing, than if 300 copies had been ordered at first.

Which was not agreed to.

On motion by Mr. Tarkington,

House bill No. 21. A bill to appraise the real estate of the State of Indiana, and to make such appraisement uniform throughout the State,

Was taken from the table and placed on the files.

By unanimous consent,  
Mr. March introduced

Senate bill No. 143. A bill forbidding persons holding office in any banking institution, to hold office or discharge the duties of any office or appointment in the State bank of Indiana or any of its branches, and prescribing the penalty for violating the same.

Was read a first time and passed to a second reading.

On motion by Mr. March,

The order of business was suspended, and

The following messages from the House were taken up :

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof :

No. 185. An act to relieve Nathan Rowley of Vanderburgh county, from the consequences of certain legal proceeding had and a judgment rendered in the Vanderburgh circuit court at the September term of said court in the year 1847, in an action wherein the State of Indiana, on relation of Brackett Mills, school commissioner, was plaintiff, and the said Nathan Rowley, former school commissioner, and sundry other persons his sureties as such, were defendants.

In which the concurrence of the Senate is respectfully requested.

House bill No. 185, contained in the foregoing message,  
Was read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof :

No. 56. A bill to provide for the protection of wild game, defining the time in which the same may be taken and killed, and declaring the penalty for the violation of this act.

In which the concurrence of the Senate is respectfully requested.

House bill No. 56, contained in the foregoing message,  
Was read a first time and passed to a second reading.

Mr. Suit moved to suspend the rules and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were*

Messrs. Alexander, Bearss, Blair, Bobbs, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Green, Heffren, Hendry, Hill, Hostetler, Johnston, March, Mansfield, Mathes, Miller, Murray, McClure, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Suit, Tarkington, Thompson, Wallace, Weir, Wilson and Yaryan—34.

*Those who voted in the negative were,*

Messrs. Gooding and Hargrove—2.

So the rules were suspended, and the bill read a second time by its title.

Mr. Heffren moved the following amendment to the bill :

Amend by striking from the first section the following words, "one half of which sum shall be paid to the person informing."

On motion by Mr. Suit,

The bill and pending amendments were referred to a select committee of three.

Senators Suit, Cravens and Heffren were appointed said select committee.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the



Senate that the House has passed the following engrossed bill thereof:

No. 148. An act to amend the 1st section of an act entitled "an act concerning license to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legerdemain," approved June 15, 1857, and for the encouragement of agriculture.

In which the concurrence of the Senate is respectfully requested.

House bill No. 148, contained in the foregoing message,  
Was read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, viz:

No. 211. An act authorizing the recording of patents for lands and making such records evidence, and allowing recorders fees for recording the same.

In which the concurrence of the Senate is respectfully requested.

House bill No. 211, contained in the foregoing message,  
Was read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

No. 156. An act for the relief of John M. Shiry. Also,

No. 122. An act to amend the 49th section of an act entitled "an act to provide for the opening, vacating and change of highways; approved June 17, 1852. Also,

No. 177. An act to authorize the empannelling of petit juries in the court of common pleas, and to repeal an act therein named.

In which the concurrence of the Senate is respectfully requested.

House bills No. 156, 122 and 177, contained in the foregoing message,

Were read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, to-wit :

No. 150. An act to regulate the business of insurance companies not incorporated by the State of Indiana, to punish violations of its provisions, and to repeal all previous enactments in regard to such companies.

In which the concurrence of the Senate is respectfully requested.

House bill No. 150, contained in the foregoing message,  
Was read a first time and passed to a second reading.

By unanimous consent,  
The order of business was suspended, and  
On motion by Heffren,

Senate bill No. 130. A bill to authorize the record of deeds or transcript thereof to be read in evidence where in certain cases they have been recorded in the adjoining county;  
Was read a second time.

On motion by Mr. Heffren,  
The bill was referred to a select committee of three.

Senators Heffren, Suit and Wallace were appointed said select committee.

By unanimous consent,  
The order of business was suspended, and,  
On motion by Mr. Tarkington,

Senate bill No. 161. A bill to prescribe the mode of selecting petit jurors in the courts of common pleas, and repealing all laws contravening with the provisions of this act ;  
Was taken up and placed on the files.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof :

No. 46. An act for the improvement of agriculture and to enable persons owning swamp or overflowed lands to drain the same.

In which the concurrence of the Senate is respectfully requested.

House bill No. 46, contained in the foregoing message,  
Was read a first time and passed to a second reading.

A message from the House, by Mr. Bowes, their clerk;

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has adopted the following resolution, to-wit :

*Be it resolved*, By the House of Representatives, the Senate concurring, that the use of the room immediately north of the Governors rooms, be, and is hereby grated to the State Board of Agriculture.

In which the concurrence of the Senate is respectfully requested.

The resolution, contained in the foregoing message, was concurred in by the Senate.

Mr. Weir moved to suspend the rules and read House bill No. 46, An act for the improvement of agriculture and to enable persons owning swamp or overflowed lands to drain the same, a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were.*

Messrs. Alexander, Bearss, Blair, Bobbs, Cooper, Crane, Crouse, Ensey, Fisk, Green, Hargrove, Heffren, Hendry, Hill, Hostetler, Johnston, March, Mansfield, Mathes, Miller, Murray, McClure, Parker, Richardson, Rice, Rugg, Sage, Suit, Tarkington, Thompson, Wallace, Weir, Wilson and Yaryan—34.

No Senator voting in the negative.

So the rules were suspended and the bill read a second time by its title.

On motion by Mr. Weir,  
The bill was referred to a select committee of three.

Senators Weir, Hendry and Hill were appointed said select committee.

A message from the House, by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof :

No. 224. An act for the relief of persons who have borrowed money from the sinking fund of this State.

In which the concurrence of the Senate is respectfully requested.

House bill No. 224, contained in the foregoing message,  
Was read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof :

No. 134. An act to amend the 1st section of an act entitled "an act to provide for the incorporation of bridge companies," approved March 9th, 1852, so as to authorize bridge companies to construct embankments across low bottoms, receive toll and obtain the right of way.

In which the concurrence of the Senate is respectfully requested.

House bill No. 134, contained in the foregoing message,  
Was read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House refuses to concur in the first engrossed amendment of the Senate, to engrossed bill of the House No. 84, An act to amend the 31st section of an act for the incorporation of towns, defining their powers, providing for the election of officers thereof and declaring their duties, approved June 11, 1852, and have concurred in the second and third engrossed amendments of the Senate thereto.

Mr. Murray moved that the Senate insist upon its amendments

to House bill No. 84, contained in the foregoing message, rejected by the House.

Which was agreed to.

*Ordered*, That the Secretary inform the House thereof.

On motion by Mr Murray,  
The Senate adjourned.

2 o'clock, P. M.

The Senate met.

Senate bill No. 61. A bill to prescribe the mode of selecting petit jurors in the court of common pleas, and repealing all laws contravening the provisions of this act, which was read a third time several days ago, and laid upon the table,

Was taken up.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Crane, Heffren, Hill, Hostetler, Johnston, Mansfield, Mathes and Tarkington—9.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Cravens, Crouse, Drew, Ensey, Fisk, Gooding, Green, Hargrove, Hendry, Kinley, March, Miller, Murray, McClure, McLean, Parker, Richardson, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Thompson, Wallace, Weir, Wilson and Yaryan—35.

So the bill did not pass.

By unanimous consent,

The order of business was suspended, and

Mr. Heffren, from a select committee, made the following report:

MR. PRESIDENT :

The select committee to whom was referred Senate bill No. 130, "A bill to authorize the record of deeds to be read in evidence where in certain cases they have been recorded in the adjoining county," have had same under consideration, and have directed me to report the same back and recommend its passage.

Mr. Heffren moved that the rules be suspended, the bill considered as engrossed, and read a third time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Green, Hargrove, Heffren, Hendry, Hill, Hostetler, Johnson, Kinley, March, Mansfield, Mathes, Miller, Murray, McClure, McLean, Parker, Richardson, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Wallace, Weir and Yaryan—43.

No senator voting in the negative.

So the rules were suspended and the bill read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Green, Griggs, Hargrove, Heffren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Mathes, Miller, Murray, McClure, McLean, Parker, Richardson, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Wallace, Weir, Wilson and Yaryan—43.

Mr. Gooding voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

By unanimous consent,

The order of business was suspended, and,

On motion by Mr. Bobbs,

Senate bill No. 103, A bill to provide for the redemption or

purchase of the bank bonds. and Indiana and other State stocks and United States stocks, providing for the manner of doing the same, and defining the duties of certain officers in connection therewith,

Was taken from the table.

Mr. Bobbs moved to amend the amendment proposed to the bill on Saturday, by striking out section 13, from the amendment, and inserting the following :

Sec. 13. And inasmuch as the power of the present Board of Fund Commissioners will cease, from and after the 1st day of January, 1859, therefore, be it further enacted, that there shall be elected by the General Assembly in 1859, and every four years thereafter, a President and four Commissioners of the Sinking Fund, who shall enter upon the discharge of their duties on the second Monday of January, 1859, and continue in office for the period of four years, and until their successors are elected and qualified, and who shall, from time to time, discharge the various duties that are now required of the present board, or may, from time to time, be required by law.

Which was agreed to.

Mr. Bobbs moved to further amend the bill, by adding the following section :

Sec. —. The said board shall annually report to the Legislature, during the first week of its session, or to the Governor, when not in session, during the first week in January, giving a full and detailed statement of their operations under this act, and the situation of said fund.

Which was agreed to.

Mr. Bobbs moved to amend the bill further, by adding the following additional section :

Sec. —. That between the periods when the Board of Sinking Fund Commissioners shall have received the means to justify an advertisement for bonds, as is provided by this act, they shall be empowered to purchase any of the said bonds of the State of Indiana, issued for her bank loan, which may be procured at the market value at the time ; *Provided*, The rate of the same shall not be higher than that at which such bonds shall have been purchased by them at the last previous public purchase by advertisement ; of which bonds, so purchased between the said public purchases, the same notice by publication in newspapers and record shall be made as if bought on bids at public offers.

Which was agreed to.

Mr. March moved to amend the bill by adding to the 13th section thereof as follows :

“ *Provided*, That no president, cashier, teller, secretary, clerk or other officer of any bank, branch bank, banking firm or association, and no private banker shall be eligible to either of said offices.

The ayes and noes being demanded by senators Gooding and March,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Fisk, Gooding, Green, Hargrove, Hefiren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Miller, Murray, McClure, McLean, Richardson, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Tarkington, Thompson, Wallace, Weir, Wilson and Yaryan—41.

*Those who voted in the negative were.*

Messrs. Drew, Griggs and Parker—3.

So the amendment was adopted.

Mr. Parker moved to further amend the bill by inserting the following after the title and before the first section of the bill :

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That, for the purposes of settling and adjusting the business and rights of the State with and in the State bank of Indiana, Ranson W. Aikin, of the county of Monroe, Hugh O’Neal, of the county of Marion, and Joseph Ristine, of the county of Fountain, be, and they are hereby appointed a board of Trust Fund Commissioners, for and on behalf of the State, to take such steps as they may deem necessary, to procure a complete and final settlement and adjustment of the interest of the State in said bank and its several branches, to demand and receive therefrom all of the money, choses in action, and property of the State interested therein or connected therewith, and to hold the same subject to such after disposition as this act provides.

SEC. 2. Each of said commissioners shall before entering upon the duties of his office separately execute a bond, payable to the State of Indiana, in the sum of ——— dollars, with good and sufficient security to be approved of by the Governor, Auditor, Secretary and Treasurer of State, or any three of them, conditioned to pay over and deliver to the proper officers, all money, choses in action, or other property that may come into their hands as members of said board, and faithfully to perform each and every duty of their



said offices, and shall also make oath that he will honestly and faithfully discharge the duties of said office to the best of his ability, which bond and oath shall be filed in the office of the Secretary of State, and be by him securely kept.

Sec. 3. Each member of said board shall execute such bond and qualify by such oath within thirty days from and after the taking effect of this act, and should either fail to give bond and qualify as herein required within the time aforesaid, his office shall be deemed vacated, and the Governor shall fill such vacancy and all other vacancies that may occur, by appointment; and every person so appointed shall give bond and qualify by oath as herein before required, within one month after such appointment, and on failure so to do his office shall become vacated.

Sec. 4. Said board of Trust Fund Commissioners is hereby appointed agent to examine the state and condition of said bank and each of its branches, and shall have power to examine on oath or affirmation (which either member of said board is hereby authorized to administer,) all the officers, servants or agents of the said bank and its several branches, or any other person in relation to the affairs and condition of such bank and each branch thereof; and they shall have power to examine all the books, papers, notes, bonds and other evidences of debt of said bank and each of its branches, to compare the books, papers, funds and property of said bank and each branch thereof, with their returns and statements made thereof, to ascertain the amount of money, choses in action, and property on hand, and generally to make every other inquiry and examination necessary to ascertain the actual condition of said bank, and of each of its branches thereof, and to exercise all the other powers which an agent of the State may have under the said act of incorporation, and generally to require from all and every of such officers, all such information as shall fully exhibit the whole of the property and interests of the State in said bank, and in each branch thereof, and said board may depute and authorize any one or more of its members to perform and discharge any or all of the duties required by this section.

Sec. 5. Said board shall keep an office in the city of Indianapolis, and shall have power to appoint a secretary, whose duty it shall be to keep a faithful account of all the proceedings of said board while in joint session, and also a just and true account of all moneys, choses in action, and all property which may come into the hands of said board by virtue of this act, and the disposition made thereof.

Sec. 6. Said board shall immediately after its organization as aforesaid, take such steps as may be deemed necessary and proper to obtain a full, complete and final settlement of the interest of the State of Indiana in the said bank and the several branches thereof, and shall, from time to time demand and receive of and from the said bank and branches any and all moneys, choses in action, property and assets due, or to become due, to which said State may be

entitled; said board shall also demand and receive of and from the said bank and branches, and from the present Board of Sinking Fund Commissioners of the State of Indiana, any and all moneys, choses in action, property and assets belonging to the State of Indiana, or to which said State may in any way be entitled except so much as may be necessary to pay the interest on the outstanding bonds of the State given for banking purposes.

Also, amend first section of the bill as follows :

Strike out the first line of the bill and insert the word "said" before the second line, and after the word "commissioners," in the second line, strike out the words "of the sinking fund."

In the sixth line of same section, strike out the word "their" and insert the word "the ;" in same line, after the word "management," insert "of the old Board of Sinking Fund Commissioners."

In fourth line of section 6, strike out the word "second," and insert "eighth."

In section 7, strike out the word "fifth," and insert the word "eleventh."

Amend section 9 by striking out the word "first" in the first line and insert "seventh."

In 10th section, 4th line, strike out the word "first" and insert "seventh."

After section —, add the following section :

Sec. —. Said Board of Commissioners shall each receive five dollars per day as a compensation for each days service, severally performed under the provisions of this act, together with all necessary travelling expenses incurred in and about the business of their said office, to be paid quarterly on the warrant of the Auditor of State out of any money in the hands of said board. But before any such warrant shall issue the person entitled thereto shall make out and file with said Auditor of State a sworn statement of the aggregate number of days service by him performed, and the aggregate amount of travelling expenses incurred during the quarter for which the claim is made. Said board shall also be allowed all necessary and reasonable expenses incurred for office rent, fuel, furniture, books and stationary, to be paid for on the warrant of the said Auditor out of any money in the hands of said board.

Sec. —. The secretary of said board shall receive an annual compensation of fifteen hundred dollars, to be paid quarterly on the warrant of the Auditor of State, out of any money in the hands of the said board of commissioners.

Amend section 9 by striking out all of said section after the word "therein," in the sixth line.

Mr. Crane moved to lay the amendment on the table.

The ayes and noes being demanded by senators Crane and Parker,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Brown, Burke, Cooper, Crane, Cravens, Crouse, Ensey, Gooding, Green, Haigrove, Hill, Johnston, Kinley, March, Mansfield, Mathes, Miller, Murray, McClure, McLean, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Thompson, Wallace, Wilson and Yaryan—34.

*Those who voted in the negative were,*

Messrs. Alexander, Chapman, Drew, Fisk, Griggs, Hendry, Hostetler, Parker, Suit, Tarkington and Weir—11.

So the amendment was laid on the table.

On motion by Mr. Suit,

The bill was referred to a select committee of three.

Messrs. Bobbs, Suit and Tarkington were appointed said select committee.

On motion by Mr. Tarkington,

Mr. Alexander was added to the committee.

By unanimous consent,

The order of business was suspended, and,

Mr. Suit, from a select committee, made the following report :

MR. PRESIDENT :

The select committee to whom was referred House bill No. 56, "an act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act," with the pending amendment, have had the same under consideration, and direct me to report the same back, and recommend that the proposed amendment be laid on the table, and respectfully recommend the passage of the bill, without amendment.

The report was concurred in, the amendment laid on the table, and the bill ordered to a third reading on to-morrow.

Mr. Wallace moved to instruct the select committee in charge of Senate bill No. 103, just appointed, to strike out the word "incidentals," where it occurs, and also, to provide the same compensation for the President and commissioners as is now provided.

Which was agreed to.

## SENATE BILLS ON THIRD READING.

Senate bill No. 85. A bill to amend section 156, of article 9, chapter 7, Revised Statutes of 1852, entitled "Attachments."

Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Bobbs, Brown, Burke, Chapman, Crane, Crouse, Drew, Fisk, Gooding, Green, Hargrove, Hendry, Hill, Hostetler, Johnston, Kinley, March, Miller, Murray, McClure, McLean, Parker, Rugg, Sage, Stevens, Suit, Tarkington, Thompson, Wallace Weir, Wilson and Yaryan—34.

*Those who voted in the negative were,*

Messrs. Bearss, Ensey, Griggs, Heffren, Mansfield, Mathes, Richardson and Rice—8.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Senate bill No. 81. A bill preventing the willing and bequeathing to any benevolent, charitable or other institution by any person of more than a certain amount of property;

Was read a third time.

Mr. Drew moved to indefinitely postpone the further consideration of the bill.

The ayes and noes being demanded by senators Heffren and Hendry,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Cravens, Crouse, Drew, Ensey, Gooding, Green, Griggs, Hendry, Hill, Hostetler, Kinley, March, Mathes, McLean, Rice, Sage, Slater of Dearborn, Tarkington, Thompson, Wallace, Weir, Wilson and Yaryan—27.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Chapman, Crane, Fisk, Hargrove, Heffren, Johnston, Mansfield, Miller, Murray, McClure, Richardson, Rugg, Slater of Johnson, Stevens and Suit—17.

So the bill was indefinitely postponed.

Senate bill No. 50. A bill to amend an act entitled "an act to incorporate the Clay Cotton Mills ; approved Feb. 15, 1848;  
Was read a third time.

Mr. Heffren moved to recommit the bill to the committee on the judiciary with instructions to so amend the same "that no judge or or inspector of election shall require of any foreign born person the production of his papers, proving his declaration of intention to become a citizen of the United States.

The ayes and noes being demanded by senators Heffren and Slater of Dearborn,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Green, Griggs, Hendry, Hill, Johnston, Kinley, March, Murray, Parker, Rice, Sage, Slater of Johnson, Stevens, Suit, Thompson, Weir and Yaryan—28.

*Those who voted in the negative were,*

Messrs. Fisk, Gooding, Hargrove, Heffren, Hostetler, Mansfield, Mathes, Miller, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Tarkington, Wallace and Wilson—16.

So the motion to recommit the bill did not prevail.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Gooding, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Tarkington, Thompson, Wallace, Weir and Yaryan—29.

*Those who voted in the negative were,*

Messrs. Fisk, Hargrove, Heffren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson and Wilson—16.

So the bill passed.

*Ordered,* That the secretary inform the House thereof.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT:

I am directed by the House of Representatives to bring to the Senate, enrolled bill No. 132, being an act to amend an act entitled an act declaratory of the law regulating marriages, and enforcing the provisions thereof by proper penalties, approved March 5, 1852, and request the signature of the President of the Senate thereto.

The President signed the bill.

On motion by Mr. Weir,

The Senate adjourned.

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TUESDAY MORNING, 9 O'CLOCK, }  
February, 24, 1857. }

The Senate met.

The reading of the journal was dispensed with.

The President laid before the Senate the following communication and accompanying report:

OFFICE OF THE COMMISSIONERS OF THE SINKING FUND, }  
Indianapolis, February 19, 1857. }

HON. A. A. HAMMOND,

*President of the Senate:*

SIR:—In compliance with a resolution of the Senate, I have the honor to state, that since the date of the last annual report in November last, the commissioners have redeemed by purchase of the bonds issued by the State for bank loan, one hundred and one, being \$1,000 each, making \$101,000 00, for which they have paid ninety cents on the dollar, costing \$90,900 00, and clearing to the State, as a discount from the amount of these bonds, \$10,100 00, to-wit:

December 1, 1856, from E. G. Benham & Co., Cincinnati, \$7,000 00; costing \$6,300; clearing \$700 00.

From Morrison, Blanchard & Co., Richmond, \$60,000 00; cost \$54,000; clearing \$6,000 00.

January 30, 1857, from Winslow, Lanier & Co., New York, \$1,000 00; cost \$900 00; clearing \$100 00.

February 13, 1857, from Winslow, Lanier & Co., New York, \$33,000 00; costing \$29,700 00; clearing \$3,300 00.

Total \$101,000 00; costing \$90,900 00; clearing \$10,100 00.

The amount of bonds previously purchased were \$93,000 00; costing \$79,798 32; clearing \$13,201 68.

Total bonds redeemed, \$194,000 00; costing \$170,698 32; clearing \$23,301 68.

The reason that these bank loan bonds rate higher than other five per cent. stocks of the State is, that the interest on them has always been punctually paid, even when the interest on the other State bonds were for several years not discharged,

The bonds are not generally in market, but are in comparatively few hands, and to prevent their being advanced to unreasonable rates has required much firmness and decision by the board, with a determination that they should not cost the State a cent more in their redemption than was absolutely necessary.

The board is of the opinion that by a judicious course there is no necessity of paying higher for the future redemption of the bonds than they have paid within the last year.

Ample power is given to the board under the present law, (by the 10th section of an act to amend the several acts for the loaning and collecting of the sinking fund and for other purposes, approved January 13, 1845,) to purchase the bonds of the State, given for the bank loan, which it is their intention to do with all due rapidity.

Respectfully submitted,

E. DUMONT.

P. S.—For the information of the Senate I annex a statement of all the bonds of the State for her bank loan, which have been redeemed by purchase by the commissioners of the sinking fund, the date of purchase, from whom purchased, the rate at which each bond was bought, and the discount gained by the purchase to the State, from the amount she would have had to pay in finally discharging the bonds in full, in addition to the succeeding interest thereon, if they had not been purchased.

*Indiana Bank Bonds redeemed by Commissioners of Sinking Fund.*

Date of purchase.	From whom Purchased	Amount of Bonds.	Rate on the dollar	Discount from the face of Bond.
Nov. 3, 1845.	Demas Deming.....	\$4,000	83 $\frac{1}{3}$	666 67
July 23, 1847.	Merchants Bank New York.....	13,000	80	2,600 00
Dec. 23, 1847.	do .....	20,000	82 $\frac{1}{2}$	3,500 00
Nov. 15, 1848.	James F. D. Lanier.....	4,000	87 $\frac{1}{2}$	500 00
Dec. 4, 1849.	do .....	6,000	85	900 00
Dec. 14, 1850.	Madison Branch of State Bank of Ind...	30,000	90	3,000 00
Mar. 5, 1850.	do .....	6,000	90	600 00
Mar. 12, 1850.	Lawrenceburgh Branch Bank .....	1,000	90	100 00
May 15, 1850.	Winslow, Lanier & Co .....	2,000	90	200 00
Jan. 19, 1855.	William S. Hubbard.....	1,000	83 $\frac{1}{3}$	166 67
Jan. 24, 1855.	Joseph M. Moore.....	1,000	83 $\frac{1}{3}$	166 67
Feb. 6, 1855.	J. B. Chaffee.....	1,000	82	180 00
Feb. 20, 1855.	Joseph M. Moore.....	1,000	83 $\frac{1}{3}$	166 67
Jan. 19, 1856	At Merchants Exchange, N Y.....	2,000	83 $\frac{1}{2}$	330 00
May 29, 1856.	Omar Tousey.....	1,000	87 $\frac{1}{2}$	125 00
Dec. 1, 1856.	E. G. Berkam... ..	7,000	90	700 00
Dec. 1, 1856.	Morrison, Blanchard & Co.....	60 000	90	6,000 00
Jan. 30, 1857.	Winslow, Lanier & Co.....	1,000	90	900 00
Feb. 13, 1857.	Winslow, Lanier & Co .....	33,000	90	3,300 00
Total of bonds.....		\$194,000		23 301 68

On motion by Mr. Crane,

The communication and accompanying report was laid on the table and 500 copies ordered to be printed for the use of the Senate.

#### REPORTS OF STANDING COMMITTEES.

Mr. Johnston, from the committee on the organization of courts, made the following report :

MR. PRESIDENT :

The committee on the organization of courts, to whom was referred Senate bill No. 124, "a bill in relation to the publication of legal notices in newspapers, have had the same under consideration, and have directed me to report it back, and say that in the opinion of the committee legislation on the subject is inexpedient.

The report was concurred in and the bill laid on the table.

Mr. Hostetler, from the committee on the organization of courts, made the following report :

MR. PRESIDENT :

The committee on the organization of courts, to whom was referred a resolution of the Senate enquiring into the expediency and propriety of allowing all parties to civil actions to testify on the



trial thereof, have had the same under consideration and direct me to report that they deem it inexpedient to legislate on the subject.

Which was concurred in.

Mr. Hendry, from the committee on the organization of courts, made the following report:

MR. PRESIDENT:

The committee on the organization of courts, to whom was referred Senate bill No. 80, a bill to amend the 138th section of an act entitled "an act providing for the settlement of decedents estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto and certain forms to be used in such settlement, approved June 17, 1852, have had the same under consideration, and directed me to report the same back with the following amendment, and when so amended to earnestly recommend its passage.

Amend by striking out all after the words "be amended to read as follows," and insert:

"At the term when final settlement of an estate is made, if there be any surplus, and if the heirs, distributees or legatees shall be present in person, by attorney or guardian and give their assent, notice need not be given, but if the heirs, distributees or legatees are not present, no other notice shall be required than that provided for in section 118 of the above recited act, and the court shall proceed to make distribution as provided in section 139."

The report was concurred in, the amendment adopted and the bill order to be engrossed and read a third time on to-morrow.

Mr. Stevens, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education to whom was referred a resolution of the Senate enquiring into the expediency of providing by taxation a sufficient fund to sustain schools throughout the State six months in each year, have considered the same, and have directed me to report that they deem legislation on subject at this time inexpedient and ask to be discharged from the further further consideration of the same.

Which was concurred in.

Mr. Stevens, from the committee on education, made the following report:

MR. PRESIDENT :

The committee on education to whom was referred a resolution of the Senate inquiring into the expediency of requiring county treasurers to distribute the school fund among the different townships as early as the first Monday in April of each year, have had the same under consideration and deem legislation on the subject, at this time inexpedient, and ask to be discharged from the further consideration of the same.

Which was concurred in.

Mr. Blair, from the committee on education, made the following report :

MR. PRESIDENT :

The committee on education to whom was referred a resolution of the Senate, instructing us to "report a bill to amend the present school law so as to make each congressional township, a township for school purposes, and also amend so that the tax assessed and collected in the several counties, (except that portion assessed and collected from corporations) be distributed in the counties where the same is assessed and collected to the several congressional townships, in proportion to the number of children in each township to the whole number within the county," have had the same under consideration and have directed me to report it back and ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Kinley, from the committee on education, made the following report :

MR. PRESIDENT :

The committee on education, to whom was referred a resolution of the Senate, instructing them to inquire into the expediency of requiring county auditors to subscribe for one copy of the Indiana School Journal, for each township, have instructed me to report, that legislation thereon is inexpedient, and ask to be discharged from the further consideration of the subject.

Which,

On motion by Mr. Sage,  
Was laid on the table.

Mr. Rugg, from the committee on education, made the following report :

MR. PRESIDENT:

The committee on education, to whom was referred the petition of Augustus Turner and other colored persons, praying that the property of colored persons be taxed for school purposes, and that schools may be established under the present school law for their benefit, have had the same under consideration and directed me to report, that it is inexpedient to legislate on the subject at the present time.

Which was concurred in.

Mr. Freeland, from the committee on agriculture, made the following report:

MR. PRESIDENT:

The committee on agriculture, to whom was referred House bill No. 75, "an act to amend the 23d section of an act entitled 'an act concerning trespassing animals and partition fences,'" have had the same under consideration, and have directed me to report it back without amendment, and recommend its passage.

The report was concurred in and the bill ordered to a third reading on to-morrow.

Mr. McLean, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education, to whom was referred a resolution of the Senate, inquiring into the expediency of so amending the school law as to dispense with the duties of State Superintendent of Public Instruction, and reducing the salary to a mere nominal sum, and abolishing the office of township trustees, report the same back and ask to be discharged from the further consideration of the resolution, legislation being, in their opinion, inexpedient.

Which was concurred in.

Mr. Gooding, chairman of the committee on temperance, made the following report:

MR. PRESIDENT:

The majority of the committee on temperance, to whom was referred House bill No. 3, entitled "an act to repeal an act approved Feb. 16, 1855, relative to the manufacture and sale of spirituous and intoxicating liquors," have had the same under consideration,

and have directed me to report the same back to the Senate and recommend its passage.

The report was concurred in and the bill ordered to a third reading on to-morrow.

Mr. Richardson, from the committee on county and township business, made the following report:

MR. PRESIDENT:

The committee on county and township business, to whom was referred House bill No. 160, "an act to provide for the indigent blind and other infirm persons," have had the same under consideration, and have instructed me to report the same back without amendment, and recommend its passage.

The report was concurred in and the bill ordered to a third reading on to-morrow.

Mr. Mansfield, from the committee on county and township business, made the following report:

MR. PRESIDENT:

The committee on county and township business, to whom was referred Senate bill No. 83, "an act declaratory of the meaning of an act entitled 'an act regulating the fees of officers, and repealing former acts in relation thereto,'" approved March 2, 1857, have had the same under consideration, and have directed me to report it back and recommend its indefinite postponement.

The report was concurred in, and the bill was indefinitely postponed.

Mr. Blair, chairman of the committee on county and township business, made the following report:

MR. PRESIDENT:

The committee on county and township business, to whom was referred House bill No. 169, a bill to amend an act entitled "an act to provide for the erection and repair of bridges," and to repeal an act entitled "an act to provide for the erection and repair of bridges," approved March 3, 1855, have had the same under consideration, and have directed me to report it back without amendment and recommend its passage.

The report was concurred in and the bill ordered to a third reading on to morrow.

## REPORTS FROM SELECT COMMITTEES.

Mr. Sage, from a select committee, made the following report:

MR. PRESIDENT:

The majority of the select committee, to whom was referred Senate joint resolution No. 4, a joint resolution concerning section 2 of article 2 of the constitution of the State of Indiana," beg leave to report it back with the following amendment, and when so amended, recommend its passage:

Amend by striking out all after the words section second and insert:

"In all selections not otherwise provided for in this constitution, every white male citizen of the United States, of the age of twenty-one years and upwards, who shall have resided in this State six months immediately preceding such election, shall be entitled to vote in the township or precinct where he shall have resided thirty days immediately preceding such election."

On motion by Mr. Heffren,  
The report was laid on the table.

Mr. Hostetler, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred Senate bill No. 106, "a bill to amend the 32d section of an act defining misdemeanors, and prescribing punishments therefor," approved June 14, 1852, have had the same under consideration, and have directed me to report the same back to the Senate, with the following amendments, and then recommend its passage:

Amend the bill in the proper place so as to read "any lottery ticket or tickets;" and, also, strike out the words "by encouraging," and insert in lieu thereof the words "or did aid or abet;" and, also, strike out "one hundred," and insert "fifty;" and add thereto, after the last line, the following words, "to which may be added imprisonment in the county jail not exceeding thirty days."

The report was concurred in, the amendments adopted, and the bill ordered to be engrossed and read a third time to-morrow.

By unanimous consent,  
The order of business was suspended, and

Mr. Bobbs, chairman of the committee on education, made the following report :

MR. PRESIDENT :

The committee on education, to whom was referred a resolution of the Senate instructing them to inquire into the expediency of so amending the school law, as to restore the district system, with not less than two trustees, and report by bill or otherwise, have had the same under consideration and directed me to report the same back as inexpedient.

Which was concurred in.

Mr. Bobbs, chairman of the committee on education, made the following report :

MR. PRESIDENT :

The committee on education, to whom was referred a resolution of the Senate instructing them "to inquire into the expediency of amending the school law in such a manner as shall cause the school tax to be disbursed in the counties in which such tax shall be collected," have had the same under consideration and directed me report legislation inexpedient.

Mr. Suit moved that the report be laid upon the table.

The ayes and noes being demanded by senators Cooper and Brown,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman. Cooper. Crane, Cravens, Crouse, Ensey, Freeland, Green, Hendry, Hill, Kinley, March, Murray, McLean, Parker, Rice, Sage, Suit and Thompson—23.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Heffren, Hostetler, Johnston, Mansfield, Miller, McCleary, McClure, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Stevens, Tarkington, Wallace, Weir, Wilson and Yaryan—23.

So the report was not laid on the table.

Mr. Griggs moved to reconsider the vote just taken on the motion to lay the report of the committee on the table.

The ayes and noes being demanded by senators Griggs and Weir,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Stevens, Suit, Thompson, Weir and Yaryan—25.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Miller, McCleary, McLean, Richardson, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace and Wilson—22.

So the vote was reconsidered.

On motion by Mr. Griggs,

The report was laid on the table and made the special order for Thursday next at 10 o'clock A. M.

Mr. Suit moved that the order of business be suspended for the purpose of taking up the majority and minority reports in the contested seat of the senator from the counties of St. Joseph, Marshall, Fulton and Starke.

The ayes and noes being demanded by senators Suit and Hefren,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir and Yaryan—26.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace and Wilson—20.

So the order of business was suspended and the reports taken up.

Mr. Brown moved that the reports be laid on the table and made the special order for Thursday next at 10 o'clock A. M.

Mr. Heffren moved to amend the motion by striking out "Thursday next at 10 o'clock A. M.," and inserting "the 10th day of March next."

Mr. Bearss moved to lay the amendment on the table.

The ayes and noes being demanded by senators Heffren and Richardson,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Cravens, Crouse, Drew, Ensey, Freeland, Gooding, Green, Griggs, Hendry, Hill, Johnston, Kinley, Murray, McLean, Parker, Rice, Sage, Stevens, Suit, Thompson and Yaryan—29.

*Those who voted in the negative were,*

Messrs. Crane, Fisk, Hargrove, Heffren, Hostetler, Mansfield, McCleary, McClure, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, Weir and Wilson—16.

So the amendment was laid on the table.

The question then being, shall the reports be laid on the table till Thursday next at 10 o'clock A. M.?

Which was agreed to.

On motion by Mr. Griggs,

The report of the committee on education, on the subject of distributing the school tax in the county where it is collected, made the special order for Thursday next at 10 o'clock A. M.,

Was reconsidered.

The motion to lay the report on the table was withdrawn.

Pending the discussion on the report,

On motion by Mr. Murray,  
The Senate adjourned.



2 o'CLOCK, P. M.

The Senate met.

On motion by Mr. Parker,

The orders of the day were suspended for the purpose of giving to senators an opportunity of discussing the report from the committee on education, which was pending at adjournment.

The question being shall the report be concurred in?

The ayes and noes being demanded by senators Heffren and Slater.

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Bobbs, Chapman, Crouse, Fisk, Freeland, Gooding, Green, Griggs, Hendry, Hill, Kinley, Mansfield, Murray, McClure, Richardson, Rice, Rugg, Sage, Suit, Tarkington and Thompson—23.

*Those who voted in the negative were,*

Messrs. Bearss, Brown, Burke, Cooper, Crane, Cravens, Drew, Ensey, Hargrove, Heffren, Hostetler, Johnston, Miller, McCleary, McLean, Parker, Slater of Dearborn, Slater of Johnston, Stevens, Wallace, Weir, Wilson and Yaryan—23.

So the report was concurred in by the casting voting of the president.

By unanimous consent,

The orders of the day were suspended, and

Mr. Gooding introduced

Senate bill No. 144. A bill to provide for the election of United States Senators in pursuance of the constitution of the United States, and defining the manner and time of conducting such election.

Which was read a first time and passed to a second reading.

By unanimous consent,

Mr. McLean introduced

Senate bill No. 145. A bill legalizing the acts of the Terre Haute Drawbridge Company, in organizing under the general law, relative

to bridge companies, electing directors, and constructing an embankment,

Which was read a first time and passed to a second reading.

By unanimous consent,

The order of business was suspended, and

Mr. Weir, from a select committee, made the following report :

MR. PRESIDENT :

The select committee to whom was referred House bill No. 46, an act for the improvement of agriculture and to enable persons owning swamp or overflowed lands to drain the same," have had the same under consideration and have directed me to report it back to the Senate without amendment and recommend its passage.

The report was concurred in, and the bill ordered to a third reading on to-morrow.

On motion by Mr. Weir,

*Resolved*, That the communication reported to this body by his Excellency, the Governor, as received from the legislature of Illinois, be taken up and referred to a select committee of five.

Senators Weir, Wallace, Johnston, Heffren and Miller were appointed said select committee.

By unanimous consent,

The order of business was suspended, and

Mr. Miller introduced

Senate bill No. 146. A bill to abolish township boards and transfer the public business with which they have been charged to other officers as therein provided ; to provide for districting township into school districts and provide for electing one school district director in each district.

Which was read a first time and passed to a second reading.

By unanimous consent,

The order of business was suspended, and,

On motion by Mr. Heffren,

Senate bill No. 41. "An act for the uniform mode of doing township business," reported from committee several days ago, and recommended to be indefinitely postponed, was taken up.

The question being, shall the bill be indefinitely postponed ?

The ayes and noes were demanded by two senators.

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Ensey, Fisk, Griggs, Hendry, Rice, Rugg, Sage, Slater of Dearborn, Stevens, Thompson, and Yaryan—17.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Crane, Cravens, Crouse, Drew, Freeland, Gooding, Green, Hargrove, Heffren, Hill, Hostetler, Johnston, Kinley, Mansfield, Miller, Murray, McCleary, McClure, McLean, Richardson, Slater of Johnson, Suit, Tarkington, Wallace, Weir and Wilson—28.

So the bill was not indefinitely postponed.

The bill was ordered to be engrossed and read a third time to-morrow.

By unanimous consent,

The order of business was suspended, and,

On motion by Mr. Gooding,

Senate bill No. 110. A bill to regulate and restrain the sale and disposal of spirituous liquors, to prevent drunkenness and crime, and to punish the same, and to repeal all former laws conflicting with the provisions of this act.

Was taken from the table, and made the special order for to-morrow at 2 o'clock P. M.

#### ORDERS OF THE DAY.

#### *House Bills on Third Reading.*

House bill No. 56. An act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act.

Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Burke, Crane, Cravens, Crouse, Ensey, Green, Griggs, Hill, March, Murray, McCleary, McLean, Parker, Rice, Rugg, Stevens, Suit, Tarkington and Wallace—23.

*Those who voted in the negative were,*

Messrs. Brown, Chapman, Drew, Fisk, Freeland, Gooding, Har-

grove, Heffren, Hendry, Hostetler, Kinley, Mansfield, Miller, McClure, Richardson, Sage, Thompson, Weir and Wilson—19.

So the bill did not pass for the want of a constitutional majority.

Mr. Suit moved that the vote on the passage of the bill be retaken now.

Which was agreed to.

The question then being shall the bill pass.

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Burke, Crane, Cravens, Crouse, Green, Griggs, Hill, Johnston, March, Murray, McCleary, McLean, Parker, Rice, Rugg, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Wallace, Weir and Yaryan—26.

*Those who voted in the negative were,*

Messrs. Chapman, Drew, Ensey, Fisk, Freeland, Gooding, Hargrove, Hendry, Hostetler, Kinley, Mansfield, Miller, McClure, Richardson, Sage, Thompson and Wilson—17.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

House bill No. 80. An act prescribing punishment for running railroad trains or locomotives across other railroads without stopping and to prevent carelessness and accidents in crossing.

Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Crouse, Drew, Ensey, Fisk, Gooding, Green, Heffren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Miller, Murray, McClure, McLean, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Wallace, Weir and Wilson—40.

*Those who voted in the negative were,*

Messrs. Hargrove and McCleary—2.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

House bill No. 24. A bill to amend section 6 of an act entitled "an act touching the laying out and vacating towns, streets, alleys, public squares, and grounds or any part thereof, the making out and recording of plats of such towns, and providing for the change of the names of such towns;" approved May 20, 1852.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Green, Griggs, Hargrove, Heffren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Miller, Murray, McCleary, McClure, McLean, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Weir, Wilson and Yaryan—43.

*Those who voted in the negative were,*

Messrs. Bearss, Freeland, Gooding and Wallace.—4.

So the bill passed.

*Ordered,* That the secretary inform the House thereof.

#### SENATE BILLS ON THIRD READING.

Senate bill No. 102. A bill to amend section 2 of an act to regulate the sale of swamp lands, donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the condition of said grant, approved May 29, 1852, and also to facilitate the ditching and draining of swamp lands, and to provide for the payment thereof in certain cases therein mentioned.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Gooding, Green, Griggs, Hargrove, Heffren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Miller, McCleary, McClure, McLean, Parker, Rice, Rugg, Sage, Slater of Johnson, Stevens, Tarkington, Thompson, Wallace, Weir, Wilson and Yaryan—42.

*Those who voted in the negative were,*

Messrs. Mansfield and Richardson—2.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

On motion by Mr. Johnston,  
Leave of absence was granted to Mr. Mathes.

By unanimous consent,  
The order of business was suspended, and,

On motion by Mr. Cravens,  
The following message from the House was taken up :

A message from the House by Mr. Bowes, their clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bill thereof :

No. 167. An act to apportion senators and representatives for the State of Indiana.

In which the concurrence of the Senate is respectfully requested.

Which was concurred in ; and  
House bill No. 167, an act to apportion senators and representatives in the State of Indiana, contained in the foregoing message,  
Was read a first time and passed to a second reading.

Mr. Weir moved to suspend the rules and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Gooding, Green, Griggs, Hargrove, Heffren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Miller, Murray, McCleary, McClure, McLean, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Suit, Tarkington, Thompson, Wallace, Weir, Wilson and Yaryan—44.

No senator voting in the negative.

So the rules were suspended and the bill read a second time by its title.

Mr. Freeland moved to refer the bill to the select committee already appointed to act with a similar committee on the part of the House, on the subject of apportioning the State.

On motion by Mr. Slater of Dearborn,

The motion to refer the bill to a select committee was laid on the table.

On motion by Mr. Weir,

The bill was laid on the table and 100 copies ordered to be printed for the use of the Senate.

On motion by Mr. Snit,

The vote laying the bill on the table, and ordering 100 copies to be printed, was reconsidered.

On motion by Mr. Snit,

The bill was referred to a select committee of five, and 100 copies ordered to be printed for the use of the Senate.

Mr. Heffren moved to suspend the order of business and take up the resolution of Mr. Johnston, proposing an earlier convening of the Senate every morning.

Which was not agreed to.

By unanimous consent,

The order of business was suspended, and

Mr. Wallace, from a select committee, made the following report:

MR. PRESIDENT:

Your committee, to whom was referred the investigation of the secret history of a tract laid upon the desks of senators, entitled "The Kansas Struggle of 1856, in Congress and in the Presidential Campaign; with Suggestions for the Future:" Published in New York, by the American Abolition Society, 1857, begs leave to report:

The tract advocates unmitigated abolition, and appears to have come from the editors of a paper printed in this city, and called "The Western Presage." The object of its introduction into the Senate is past conception. If, instead of misrepresenting the principles of the Republican party, it had eulogized them, your committee would have been justified in supposing it intended to abolitionize senators of that side. As the tract itself charges the Democracy with a design, not merely to continue African Slavery,

but to enslave white men, its underground patrons could have intended nothing more, so far as Democratic senators are concerned, than to allow them the pleasure of reading a labored and most villainous slander of themselves, their party, and Mr. Buchanan.

Your committee have an opinion of the distributors of this tract; and it is of that peculiar kind which the language of genteel denunciation is too mild to express. Its authors are doubtless a committee of the three thousand clergymen, who gained such infamous notoriety in the early days of the Kansas-Nebraska agitation. As to what ought to be the fate of the pedlers of a libel so extravagant, and the authors of a political doctrine so treasonable, your committee respectfully refers senators to the scriptural story of Haman.

Without pretending to criticise the style, sentiments, and purposes of the tract, or to enter into a refutation of its well dressed fallacies and cut-throat dogmas, your committee has found enough on its title page "to point a moral," and from the following allegations:

1. That there is an organization called "The American Abolition Society."
2. That its headquarters in New York city, where it has presses at work, with funds to support and able writers to conduct them.
3. That its objects are abolition of slavery and emancipation of the slaves, at cost of the Union.
4. That its "suggestions for the future" portend a continuance of the abolition agitation *ad infinitum*.

It is unnecessary to enlarge upon the treasonable nature of such a "society," actuated by such principles. Intelligent men of all parties admit, that in the agitation of abolition, as now madly and wickedly urged, lie the chief dangers to our government. Your committee, at the earliest opportunity, will introduce a joint resolution, having in view a plan of action by the States in common, by which, it is believed, an end will be put to the existence of such societies, and the old peace and fraternity of the States restored.

Your committee asks to be discharged from further duty under the resolution.

The committee was discharged by the unanimous consent of the Senate.

Senate bill No. 120. A bill to enable married women, whose husbands have absented themselves, to exercise the rights of resident householders;

Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Bobbs, Brown, Chapman, Cooper,



Crouse, Drew, Freeland, Green, Griggs, Hargrove, Heffren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Miller, Murray, McCleary, McClure, McLean, Parker, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Weir, Wilson and Yaryan—38.

*Those who voted in the negative were,*

Messrs. Bearss, Cravens, Gooding, Richardson and Wallace—6.

So the bill passed.

*Ordered,* That the Secretary inform the house thereof.

Senate bill No. 30. An act to enable the Governor, Auditor and Treasurer of State, with the advice of the Attorney General, to compromise actions or causes of action between the State and a citizen or citizens thereof.

Was read a third time on the 21st instant, and not passed for the want of a constitutional majority.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Gooding, Green, Griggs, Heffren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Miller, Murray, McClure, McLean, Parker, Rice, Rugg, Sage, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Wallace, Weir, Wilson and Yaryan—39.

*Those who voted in the negative were,*

Messrs. Bearss, Brown, Hargrove, McCleary, Richardson, and Slater of Dearborn—6.

So the bill passed.

*Ordered,* That the secretary inform the House thereof.

Senate bill No. 112. A bill to repeal section first of an act entitled "an act prescribing the duties and fixing the compensation of State Agent, approved June 17, 1852, and to provide for the election of State Agent by the people.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Bobbs, Brown, Chapman, Cooper, Crane, Crouse, Ensey, Fisk, Gooding, Green, Hargrove, Heffren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Miller, Murray, McCleary, McClure, Parker, Richardson, Rice, Rugg, Stevens, Suit, Tarkington and Weir—34.

*Those who voted in the negative were,*

Messrs. Blair, Burke, Cravens, Griggs, McLean, Sage, Slater of Dearborn, Slater of Johnson, Wallace, Wilson and Yaryan—11.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Senate bill No. 108. A bill to amend an act entitled "an act providing for the election and prescribing the duties of county surveyors."

Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Fisk, Gooding, Green, Heffren, Hill, Johnston, Kinley, March, Murray, McClure, McLean, Richardson, Rice, Rugg, Sage, Slater of Johnson, Stevens, Weir, Wilson and Yaryan—32.

*Those who voted in the negative were,*

Messrs. Griggs, Hargrove, Hendry, Hostetler, Mansfield, Miller, McCleary, Parker, Suit, Tarkington, Thompson and Wallace—12.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Senate bill No. 42. A bill relating to the salaries of public officers, and providing the manner of paying the same.

Which was read a second time on the 19th instant and not passed, for want of a constitutional majority,

Was read for the information of the Senate.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Bobbs, Brown, Crane, Crouse, Ensey, Gooding, Griggs, Hargrove, Heffren, Miller, Murray, McCleary, McLean, Parker, Richardson, Rugg, Slater of Dearborn, Smit, Tarkington, Wallace and Weir—22.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Burke, Chapman, Cooper, Fisk, Green, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, McClure, Rice, Sage, Slater of Johnson, Stevens, Thompson, Wilson and Yaryan—22.

So the bill did not pass for want of a constitutional majority.

On motion by Mr. Griggs,  
The Senate adjourned.

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WEDNESDAY MORNING, 9 o'clock,  
February 25, 1857. }

The Senate met.

On motion by Mr. Heffren,  
The reading of the Journal of the preceding day was dispensed with.

The President laid before the Senate the following communication of the Secretary of the State Board of Agriculture:

SECRETARY'S OFFICE,  
STATE BOARD OF AGRICULTURE. }

HON. A. A. HAMMOND,

*President of the Senate :*

SIR:—In compliance with a resolution adopted at the late meeting of the Executive Committee of the State Board of Agriculture,

I present herewith a copy of the last published report of the society to each officer and member of the Senate.

IGNATIUS BROWN,  
*Sec'y Indiana State Board of Agriculture.*

Also, the following communication from Joseph A. Wright:

INDIANAPOLIS, February 23, 1857.

HON. ABRAM A. HAMMOND,  
*Lieutenant Governor:*

Please lay the enclosed communication before the Senate and oblige,

Yours, truly,  
JOS. A. WRIGHT.

GENTLEMEN OF THE SENATE:

A resolution passed your honorable body, on the 21st instant, for the appointment of a committee to investigate and report to the Senate in regard to the amount of money paid to me from the public treasury, on account of salary and for other purposes, during the term of service as the chief executive of the State. The records in the offices of the Auditor and Treasurer of State, and the vouchers on file in the former, are accessible at any time to the Senate, and would doubtless be furnished them on demand. On this subject, I have no concealments, and shall take pleasure in affording the committee every facility for the most complete and thorough investigation.

The Governor's control of the public expenditures is extremely limited. He cannot take a dollar of money in the treasury, except under the sanction of the law, and is and should be held to as rigid accountability for the expenditure thereof as his humblest constituent.

The following facts, in this connection, I desire to state to the Senate, for their information, as well as to correct the impression which the implied insinuations in the resolution are calculated to produce. I served the State of Indiana, as I conceive, faithfully, as their chief executive, for the term of seven years and one month, during which time my salary was as follows:

Three years and one month service at \$1,300 per annum,	
amounting to .....	\$4,224
Four years, at \$1,500 per annum .....	6,000
Total salary .....	<hr/> \$10,224

The Legislature of 1855 on account of services in relation to the swamp lands, made an allowance in the specific appropriation bill,

amounting to \$3,961 92; making the entire sum received by me from the treasury during my whole term of service, \$14,185 92, or an average of \$2,002 per annum. For several years I kept an accurate account of my expenses, which averaged \$2,160 per annum, thus showing my necessary expenditures during the term, to exceed the receipts of the office in the sum of \$1,129.

During this term a considerable expenditure was made necessary for improvements of the house and grounds of the Governor's residence, and for such services and expenses as are usually paid for out of the contingent fund, but for every dollar so expended vouchers were taken and filed in the office of the Auditor of State. I am fully satisfied of their correctness and respectfully refer the Senate to them for examination. Every voucher will show clearly on what account the payment was made, and the person to whom the same was payable.

I derived no profits beyond my compensation as stated above out of any official transaction, have not even used my own funds for any species of speculation; nor touched a dollar of the public money, other than is here stated, for any purpose of speculation, and I am unwilling to believe that honorable gentlemen in the Senate, among whom I recognize many personal friends of the several political parties, designed to insinuate a charge, which, if true, should be boldly and openly asserted. Until otherwise assured, I am bound to presume that the object of the investigation is to guard and protect the interests of the people of the State, to whom I shall ever feel grateful for their confidence, and the many favors received at their hands.

Which was referred to a select committee previously appointed to examine the amount of money, &c., obtained by his Ex-Excellency, during his executive terms.

#### PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Crane,

A petition from A. H. Patterson, former lessee of the penitentiary.

Which,

On motion by Mr. Heffren,

Was referred to a select committee of three.

By Mr. Wilson,

A remonstrance from citizens of Vernon relative to a repeal of the law incorporating said town.

Which was laid on the table.

By Mr. Bobbs,

A petition from ladies of Indianapolis upon the subject of prohibitory law and the evils of intemperance.

Which was referred to the committee on temperance.

#### REPORTS FROM STANDING COMMITTEES.

Mr. March, chairman of the committee on finance, made the following report :

MR. PRESIDENT :

The committee on finance, to whom was referred House bill No. 117, "an act to amend the 9th section of an act entitled 'an act regulating the fees of officers, and repealing former acts in relation thereto,' approved March 2, 1855, have had the same under consideration, and directed me to report it back with the following amendments, after the adoption of which, they recommend its passage.

Amend by striking out the amendment adopted by the Senate, which is as follows, to-wit :

"Eight cents per mile by the most usually traveled route."

Amend by striking out the words "tax and," before the words "school fund," and insert after the words "school fund" the following words, "and that collected on the tax duplicate in money or county orders."

The report was concurred in, the amendments adopted, and the bill ordered to be read a third time to-morrow.

Mr. Heffren, from the committee on finance, made the following report :

MR. PRESIDENT :

The committee, to whom was referred House bill No. 95, "a bill to provide for the safe-keeping of the public money, and of bonds and other securities, entrusted to the care of certain officers," with pending amendments, have had the same under consideration, and have directed me to report the same back with the following amendments :

Amend the bill as follows, to-wit, insert after section one, the following :

"Sec. 2. That the Treasurer of State shall not deposit the funds of the State or any part thereof, or any moneys, securities, or property of the State in his keeping or under his control by virtue of his office, with any bank or banking association, person or persons, nor

loan nor put the same out of his possession, to or with such bank association, person or persons, for profit or otherwise, without the express consent, previously obtained in writing, of the Governor of the State, the Auditor of State, the Secretary of State and the Attorney General or a majority of them, including the Governor, on pain of the punishment aforesaid.

Also, change the number of the sections to suit the amendment ; and when so amended to recommend its passage.

Also, that Senate bill No. 91, " a bill to provide for the safe keeping of the public money, and of bonds and other securities, entrusted to the care of certain officers," be laid on the table.

The report was concurred in, the amendments adopted, and the bill ordered to be read a third time to-morrow.

Also, Senate bill No. 91, referred to in the foregoing report, was laid on the table.

Mr. Bobbs, chairman of the committee on education, made the following report :

MR. PRESIDENT :

The committee on education have directed me to report the following bill to the Senate, and recommend its passage :

Senate bill No. 147. An act to amend an act entitled " an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties and matters properly connected therewith, and to establish township libraries and for the regulation thereof ;" approved March 5, 1855.

Senate bill No. 137, contained in the foregoing report,  
Was read a first time.

Mr. Bobbs moved to suspend the rules and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were*

Messrs. Alexander, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Cronse, Drew, Freeland, Green, Heffren, Hendry, Hill, Hostetler, Kinley, March, Mansfield, Miller, McClure, McLean, Parker, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Weir, and Weston  
—35.

*Those who voted in the negative were,*

Messrs. Gooding Griggs, Johnston, McCleary and Wilson—5.

So the rules were suspended, and the bill read a second time by its title.

On motion by Mr. Bobbs,

The bill was laid upon the table and two hundred copies ordered to be printed.

Mr. McLean, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education, to whom was referred the petition of sundry citizens of Bluff Point, praying an abolition of the office of Superintendent of Public Instruction, and all other useless offices, have had the same under consideration and ask to be discharged from its further consideration; legislation, in compliance with the prayer of said petition, being unwise and impolitic.

So the committee was discharged from the further consideration of the subject.

Mr. Yaryan, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution of the Senate, instructing them to inquire whether, by the laws now in force, administrators and executors are authorized to bring suit before a justice of the peace, where the sum in controversy is less than one hundred dollars, have had the same under consideration, and instructed me to report, in their opinion, under the act of 1852, defining the jurisdiction, powers, &c., of justices of the peace, which gives them "jurisdiction to try and determine suits founded on contract or tort, when the debt or damages claimed, or the value of the property sought to be recovered, does not exceed one hundred dollars," except in certain enumerated cases, that executors and administrators have the right to bring suit; and the committee ask to be discharged from the further consideration of the subject.

The report was concurred in and the committee discharged from a further consideration of the subject.



Mr. Yaryan, chairman of the committee on the organization of courts, made the following report :

MR. PRESIDENT :

The committee on the organization of courts, to whom was referred Senate bill No. 27, entitled "an act amendatory of sections six and eight, chapter eight, Revised Statutes of 1852, have had the same under consideration and recommend an amendment of the bill, by striking out the words, "and their deputies," and when so amended recommend its passage.

The report was concurred in, the amendment adopted, and the bill ordered to be engrossed and read a third time to-morrow.

Mr. Crane, from the committee on the State Prison, made the following report :

MR. PRESIDENT :

The committee on the State Prison, to whom was referred House bill No. 129, "an act to provide for the government and discipline of the State Prison," have examined the same, and direct me to report the same back without amendment and recommend its passage.

The report was concurred in and the bill ordered to be read a third time to-morrow.

Mr. Burke, from the committee on banks, made the following report :

MR. PRESIDENT :

The committee on banks, to whom was referred Senate bill No. 121, "a bill to prohibit the issue of bank notes for circulation by the Bank of the State of Indiana, upon deposit, and to provide for the location of additional branches of said bank." have had the same under consideration, and have directed me to report the following amendments thereto, and when so amended recommend its passage :

Amend by inserting the following section :

Sec. —. If said bank board shall consent to and accept the provisions of this act, such acceptance be made in writing to the Secretary of State, within ninety days from the taking effect of this act.

The report was concurred in, the amendment adopted, and the bill ordered to be engrossed and read a third time to-morrow.

Mr. Richardson, from the committee on county and township business, made the following report:

MR. PRESIDENT :

The committee on county and township business, to whom was referred a resolution in relation to public documents, have had the same under consideration and instructed me to report, that it is inexpedient to legislate on that subject, and ask to be discharged from further consideration of the same.

The report was concurred in and the committee discharged.

Mr. Mansfield, from the committee on county and township business, made the following report:

MR. PRESIDENT :

The committee on county and township business, to whom was referred a petition of the citizens of Muncie, asking amendments of the act for the incorporation of towns, have had the same under consideration, and find that there has been legislative enactment upon the subject, and ask that it lay on the table.

The report was concurred in and the petition laid on the table

Mr. Blair, chairman of the committee on county and township business, made the following report:

MR. PRESIDENT :

The committee on county and township business, to whom was referred Senate bill No. 75, "a bill authorizing township trustees to establish water-courses and locate ditches, in certain cases," have had the same under consideration, and have directed me to report it back, with the following amendments, and when so amended, to recommend its passage:

Strike out the tenth section and insert the following:

Sec. 10. When any person shall feel aggrieved by the location of any such ditch or water-course, or the award and apportionment of such labor and expense, by the township trustees, he or she may, within ten days next ensuing, give notice in writing to all persons interested, of his intention to appeal from the decision of the trustees as aforesaid, to a justice of the peace of the proper county; provided the amount of damages so claimed does not exceed the jurisdiction of justices of the peace; and if the amount does so exceed the jurisdiction of the justice, then to the court of common pleas; and shall, within fifteen days thereafter, make application to

said justice of the peace, or clerk of the court of common pleas, as the case may be, setting forth his or her grievances, and praying said justice of the peace or court to appoint a commissioner to review the same; provided, that from any judgment on proceedings instituted before a justice of the peace, as in this section provided, an appeal may be taken to the court of common pleas.

2. After the words "justice of the peace," in the 11th section, insert, "or court of common pleas."

3. After the words "justice of the peace," in the 12th section, insert "or judge of the court of common pleas." Also, add to the 12th section the words, "or court of common pleas."

4. After the words "justice of the peace," in the 14th section, insert "or court hearing the same."

The report was concurred in, the amendments adopted, and the bill ordered to be engrossed and read a third time to-morrow.

Mr. Green, from the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims have had the claim and petition of Benjamin F. Gregory, late treasurer of Warren county, and State of Indiana, under consideration, and have directed me to report thereon.

The committee deem it but justice to the claimant to say, that if his was the only case of the kind in the State, his claim might receive a more favorable consideration; but believing that nearly every treasurer in the State to be in the same condition, and to allow the present claim would be a precedent which would invite the other treasurers to a like claim against the State, which would be too great a draw, at this time, upon the State treasury; therefore, the committee recommend the indefinite postponement of the claim.

Which was concurred in.

#### REPORTS FROM SELECT COMMITTEES.

Mr. Weir, from a select committee, made the following report:

MR. PRESIDENT:

Your committee charged with "enquiring into the expediency of erecting a building for the use of State officers, in compliance with the recommendation of the Governor," have had the same under consideration, and beg leave to report:

The better to discharge the duty required of us, we have been to the trouble of ascertaining the present condition and localities of the several offices. The Governor, and his predecessors, have been occupying, time immemorially, a couple of rooms in the capitol, that were evidently intended for the use of committees during the legislative sessions.

The Attorney General has no office, and cannot procure one except by paying rent, equal to one fourth of his salary.

The Superintendent of Public Instruction is likewise a wanderer; to-day in one committee room, to-morrow in another, and always a trespasser.

The Supreme Judges for a counsel chamber have been compelled to betake themselves to a den in a certain ruined castle, called "Governor's Circle," which by law, passed at this session, is now to be demolished.

The Clerk of the Supreme Court, with all his records, has found "a place of rest" in the same neglected castle.

The Secretary of State, with his records, is a renter, dependent on the charity of the Masonic fraternity. So is the Auditor of State.

The Treasury buildings, never anything more than a fourth rate private residence, is sinking into complete dilapidation; its vault and the room from which it is entered, have the appearance and perfume of a dungeon; a burglar could go through the entire house without trouble.

In addition to all this, the several public offices are, and until something better and more decent is devised, must continue to be scattered in different localities in the city. The law library and the consultation room of the supreme judges should be together, as it is they are nearly half a mile apart. The offices of the Governor and Secretary of State will hardly admit of communication in bad weather. But for the basement story of the Masonic Hall, the offices of the Secretary, Auditor and Treasurer of State would be similarly scattered. We think no State in the Union, the youngest not excepted, will present a state of affairs in this respect so deplorable and inconvenient. The public business, the honor of the people, and the safety of most important State papers, records, &c., in our opinion, demand a speedy remedy of these evils.

Your committee have been assisted in their task by Mr. Costigan, probably the most accomplished architect in the west.

In conclusion they would respectfully report that the erection of a building for State offices is an actual necessity, and accordingly recommend the passage of the accompanying bill, which they have prepared for the purpose.

Senate bill No. 148. A bill to provide for the erection of suitable buildings for executive and other offices of the State, a supreme

court room, supreme court clerk's office, Attorney General, accompanying the foregoing report,

Was read a first time.

Mr. Weir moved to suspend the rules and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were.*

Messrs. Alexander, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Green, Griggs, Hargrove, Hefiren, Hendry, Hill, Hostetler, March, McCleary, McClure, McLean, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Wallace, Weir, Weston, Wilson and Yaryan—41.

*Those who voted in the negative were,*

Messrs. Bearss, Gooding, Johnston and Mansfield—4.

So the rules were suspended, and the bill read a second time by its title, and ordered to be engrossed and read a third time to-morrow.

#### RESOLUTIONS.

Mr. Parker offered the following resolution :

*Resolved.* That the select committee appointed to investigate the charges of fraud and corruption, made by Governor Wright in his late annual message, against the members of the last Legislature, who voted for the passage of a law creating the "Bank of the State of Indiana," be instructed to report, either partially or fully, at as early a day as possible, during the present session.

Debate ensued ;

Pending which,

Mr. McLean moved the previous question.

Which was not seconded by the Senate.

Mr. Wallace moved to amend the resolution by adding :

"And the said select committee shall be allowed ten days after the adjournment of the legislature, to make out a full report of the testimony taken by them, with a view to its publication. The committee to sit the specified time, when it may suit their convenience. *Provided*, It be within a month after adjournment."

Mr. Freeland moved to amend the amendment by adding :

“ And that the committee shall report on Friday, the 6th of March, the evidence so far as may be taken, and that the report shall be made the special order for that day at 10 o'clock, A. M.

Which was agreed to.

On motion by Mr McLean,  
The first amendment was laid on the table.

The resolution, as amended, was adopted.

By unanimous consent,  
The order of business was suspended, and  
Mr. Suit, from a select committee, made the following report :

MR. PRESIDENT :

The select committee, to whom was referred Senate bill No. 70, entitled “ a bill to provide for the subscription to the statutes of Indiana and to provide for the payment therefor,” have had the same under consideration, and have directed me to report the same back with one amendment, and when so amended to recommend its passage.

Amend 1st section, by striking out “ eighteen hundred,” and inserting in lieu thereof, “ one thousand.”

On motion by Mr. Suit,  
The report was laid on the table.

On motion by Mr. Weir,  
The Senate adjourned.

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2 O'CLOCK, P. M.

The Senate met.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed to bring to the Senate House bill No. 80, entitled "an act prescribing punishment for running railroad trains or locomotives across other railroads, without stopping, and to prevent carelessness and accidents in crossing," for the signature of the President of the Senate.

The President signed the bill.

The President laid before the Senate the following communication, and the accompanying copy of the evidence in the case therein named :

Indianapolis, Feb. 23, 1857.

HON. A. A. HAMMOND,  
*President of the Senate :*

SIR:—In obedience to a resolution of the Senate, I communicate herewith a copy of the proceedings of the Board of Trustees of the Institute for the blind, in the investigation of charges of alledged misconduct on the part of the late superintendent; also, the original memorandum of the evidence given upon such examination.

Hoping the Senate will recognize the propriety of withholding any unnecessary exposure of the names of pupils and others, used on that occasion as witnesses or otherwise.

I am, very respectfully,

E. W. H. ELLIS,  
*Secretary of the Board of Trustees.*

On motion by Mr. Green,

The papers relating to the case were referred to the committee on benevolent institutions.

#### SPECIAL ORDERS.

The hour having arrived, the Senate proceeded to consider Senate bill No. 110, "an act to regulate and restrain the sale and disposal of spirituous and intoxicating liquors; to prevent drunkenness and crime, and to punish the same; and to repeal all former laws conflicting with the provisions of this act."

Which was made the special order for to-day at 2 o'clock, P. M.

On motion by Mr. Sage,

The Senate resolved itself into committee of the whole, Mr. Tarkington in the chair, to consider the bill.

After spending some time in the consideration of the bill, the committee rose, reported progress, and asked leave to sit again.

The report was concurred in.

By unanimous consent,  
The order of business was suspended, and,  
Mr. McLean introduced

Senate bill No. 149. A bill to change the time of holding the circuit court for the county of Sullivan, and to lengthen the session thereof.

Which was read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to bring to the Senate enrolled bill of the House, No. 56, "An act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act," for the signature of the President thereof.

The President signed the bill.

By unanimous consent,  
The order of business was suspended, and

The Senate proceeded to consider the resolution of Mr. Johnston, proposing to change the hour for the meeting of the Senate, every morning, to 8½ o'clock, A. M.

Mr. Sage moved to amend the resolution by adding, "and at 1½ o'clock, P. M."

Which amendment was accepted by the mover.

The question then being, shall the resolution be adopted?  
It was decided in the negative.

On motion by Mr. McLean,  
The Senate adjourned.



THURSDAY MORNING, 9 o'clock, }  
February 26, 1857. }

The Senate met.

The journal of the preceding day was read.

The President announced that the Senate would immediately resolve itself into committee of the whole, to further consider

Senate bill No. 110. A bill to regulate and restrain the sale and disposal of spirituous and intoxicating liquors; to prevent drunkenness and crime, and to punish the same; and to repeal all former laws conflicting with the provisions of this act.

Mr. Crane moved that the committee be discharged from the further consideration of the bill.

Which was not agreed to.

The Senate then again resolved itself into committee of the whole, to further consider the bill, Mr. Tarkington in the chair.

After spending some time in discussing the bill, the committee rose, reported progress, and asked leave to sit again.

The report was concurred in.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to bring to the Senate House bill No. 24, entitled "An act to amend section six of an act entitled 'an act touching the laying out and vacating towns, streets, alleys, public squares and grounds, or any part thereof; the making out and recording of plats of such towns, and providing for the change of the names of such towns,'" approved May 20, 1852, for the signature of the President thereof.

The President signed the bill.

#### SPECIAL ORDERS.

The hour having arrived, the Senate proceeded to consider the majority and minority reports of the committee on elections, in the case of the contested seat of Hon. Hugh Miller, the senator from

the district composed of the counties of St. Joseph, Marshall, Stark and Fulton, made the special order for to-day, at 10 o'clock A. M.

Pending the discussion of the reports,

On motion by Mr. Heffren,  
The Senate adjourned.

2 o'clock, P. M.

The Senate met.

By unanimous consent,  
The order of business was suspended, and

Mr. Suit introduced a petition from the African Methodist Church, praying an amendment or repeal of the "Black Laws" of the State.

Mr. Wallace moved to lay the petition on the table.

The ayes and noes being demanded by Senators Wallace and Heffren,

*Those who voted in the affirmative were,*

Messrs. Brown, Fisk, Hargrove, Heffren, Hostetler, Johnston, Mansfield, McClure, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace and Wilson—15.

*Those who voted in the negative were,*

Messrs. Blair, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Gooding, Green, Griggs, Hendry, Hill, Kinley, March, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston and Yaryan—25.

So the petition was not laid on the table.

On motion by Mr. Suit,  
The petition was referred to the committee on the judiciary.

The Senate resumed the consideration of the majority and minority reports of the committee on elections, in the case of the contested seat of the senator from St. Joseph, Marshall, Fulton and Starke.

Mr. Tarkington moved to lay the resolution contained in the report on the table.

The ayes and noes being demanded by senators Suit and Heffren,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Heffren, Hostetler, Johnston, Mansfield, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wilson and Yaryan—21.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Parker, Rice, Sage, Stevens, Suit, Thompson and Weston—24.

So the resolution was not laid on the table.

Mr. Johnston moved to postpone the further consideration of the report until Friday of next week.

Mr. Bearss moved to lay the motion to postpone on the table.

The ayes and noes being demanded by senators Drew and Cravens,

The secretary proceeded with the call of the ayes and noes.

Pending which,

The President directed the Secretary to call Leroy Woods, as senator from the county of Clark, for his vote.

From which decision and direction of the President, senators Suit and Burke appealed as follows:

“On a call of the ayes and noes, on a question pending before the Senate, Leroy Woods rose within the bar of the Senate and claimed his right to vote on the question then pending before the Senate, for the reason that he claimed to be a senator from the county of Clark, and the President of the Senate decided that the Clerk should call his name as such. For the reason that the jour-

nal shows his seat vacated, the undersigned respectfully appeal from said decision."

Pending the consideration of the appeal,  
On motion by Mr. McLean,  
The Senate adjourned.

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FRIDAY MORNING, 9 o'clock, }  
February 27, 1857. }

The Senate met.

The journal of the preceding day was read.

The question pending at adjournment yesterday, was the appeal of senators Suit and Burke, from the decision of the President, in directing Leroy Woods, to be called as senator from the county of Clark.

Mr. Heffren moved to lay the appeal on the table.

On motion by Mr. Cravens,  
A call of the Senate was ordered.

The secretary proceeded with the call.  
Pending which,  
Mr. Wilson was excused from the call.

It being found that all the senators were present except those who had been previously excused.

On motion,  
The further call of the Senate was suspended.

The question recurred on the motion to lay on the table the appeal from the decision of the President.

The ayes and noes were demanded by senators Hendry and Thompson,

The secretary completed the call of the ayes and noes on the question.

The President refused to announce the vote until the secretary should call Mr. Woods, as the senator from the county of Clark, for his vote.

By unanimous consent,

Pending the vote unannounced on the motion to lay the appeal from the decision of the President on the table,

The Senate adjourned.

2 O'CLOCK, P. M.

The Senate met.

The vote on the motion to lay the appeal from the decision of the President on the table, which was unannounced at adjournment resulted as follows :

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Drew, Freeland, Gooding, Hargrove, Heffren, Hostetler, Johnston, Mansfield, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington and Wallace—20.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Parker, Rice, Sage, Stevens, Suit, Thompson, Weston and Yaryan—25.

So the motion to lay the appeal on the table did not prevail.

On motion by Mr Griggs,  
A call of the Senate was ordered.

The secretary proceeded with the call  
Pending which,

Senators Brown, Wallace, Weir and Weston were excused from the call.

It being found that all the senators were present except those who had been previously excused.

On motion by Mr. Suit,

The further call of the Senate was suspended:

The Senate resumed the consideration of the appeal from the decision of the President, that Leroy Woods should be called by the secretary for his vote as the senator from the county of Clark, pending at adjournment yesterday.

The question then being shall the decision of the President stand as the judgment of the Senate?

The ayes and noes were demanded by senators Heffren and Drew.

*Those who voted in the affirmative were,*

Messrs. Alexander, Crane, Drew, Gooding, Hargrove, Heffren, Hostetler, Johnston, Mansfield, Miller, McCleary, McClure, McLean, Richardson, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Suit and Tarkington—20.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, March, Rice, Stevens, Thompson and Yaryan—18.

So the decision of the President was sustained.

Mr. Suit moved to reconsider the vote just taken on the appeal from the decision of the President.

Mr. Heffren moved to lay the motion to reconsider on the table.

The ayes and noes were demanded by senators Suit and Cravens.

The President refused to announce the vote till the secretary should call Leroy Woods as the senator from the county of Clarke for his vote, and,

By unanimous consent,

Pending the vote to lay on the table the motion to reconsider the vote on the appeal from the decision of the President,

The Senate adjourned.

SATURDAY MORNING, 9 o'clock, A. M., }  
February 28, 1857. }

The Senate met.

The journal of the preceding day was read.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate, viz :

No. 130. "A bill to authorize the record of deeds or transcripts thereof, to be read in evidence, where in certain cases, they have been recorded in the adjoining counties," without amendment.

The Senate remained in morning session about two hours, during which time the vote taken yesterday on the question to lay on the table the motion to reconsider the vote on the appeal from the decision of the President was not announced, and without transacting any other business,

By unanimous consent,

The Senate adjourned.

2 O'CLOCK P. M.

The Senate met.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate, viz :

No. 88. A bill to enable persons whose wives are insane to convey real estate ; without amendment.

A message from His Excellency, the Governor, by Mr. Osborne, executive messenger :

MR. PRESIDENT :

I am directed by His Excellency, the Governor, to inform the Senate that he has approved and signed the following bill :

Senate bill No. 130. An act to authorize the record of deeds, or transcripts thereof, to be read in evidence where in certain cases they have been recorded in the adjoining county.

Mr. Hostetler, from the committee on enrolled bills, made the report :

MR. PRESIDENT :

The committee on enrolled bills have compared the enrolled with the engrossed copies of Senate bill No. 130. " A bill to authorize the record of deeds or transcripts thereof, to be read in evidence where in certain cases they have been recorded in the adjoining county ;" and

Senate bill No. 88. A bill to allow persons whose wives are insane to convey real estate ; and find them correct.

Pending the vote unannounced on the question to reconsider the vote on the appeal from the decision of the President,

On motion by Mr. Slater of Johnson,  
The Senate adjourned.



MONDAY MORNING, 9 o'clock,  
March 2, 1857.

The Senate met.

The journal of Saturday was read.

By unanimous consent,

Mr. Sage, from the committee on benevolent institutions, made the following report :

MR. PRESIDENT :

The committee on benevolent institutions, to whom was referred so much of the Governor's message as relates to the benevolent institutions of the State; also, the reports of the commissioners, trustees and superintendents of the several institutions, having visited each of these public charities, beg leave to submit the following report :

#### INDIANA HOSPITAL FOR THE INSANE.

The committee inspected all portions of this institution, with its buildings and grounds, and were gratified to observe that the accustomed neatness, efficiency, good order and cleanliness prevailed throughout the establishment.

The number of patients has increased since the last session of the General Assembly, from one hundred and ninety-five to two hundred and forty-five, which is the present average number, and is fully equal to the capacity of the establishment.

The patients in the different wards seemed well clothed and cared for, and, apparently, were as comfortable as their various forms of mental disease would allow.

According to a statement made by the Superintendent, in answer to a resolution of the Senate, there were in the Hospital, on the 18th of February, 1857, two hundred and fifty-two patients, representing every county in the State except twelve.

During the eight years and six months since the institution was opened, every county in the State has had one or more of its suffering sons or daughters undergoing treatment or subjected to custody within its walls.

The total number of patients admitted has been eleven hundred and forty-seven.

Although so large a number have been treated in the Hospital, still it is believed that there are not less than five hundred other

insane persons in the State who are in urgent need of Hospital care and treatment.

Whether these unfortunate men and women are cared for and treated in a State Institution for the insane, or in any other way, they are equally, in the judgment of the committee, a burden upon the State. The curable, during the time their insanity continues, and the incurable, during the remainder of their lives, not only cease to produce but they must "eat the bread they do not earn and consume the substance they do not create."

They must receive their support from the treasury of the State, or from some of its counties, or from the income or capital of some of its people.

There is no other reason the State or its people must provide for them, and the evil is not lessened or its cost diminished by keeping it out of sight.

Whenever an estate, or the friends of an insane person fail to pay his expenses, the county or the State must support him, and must continue to support him, during the whole term of his insanity, and that affliction, without proper treatment, will probably continue during life.

It is wise to consider how few of the people of our comparatively new State are able to pay the cost, for a length of time, of a friend's insanity; and how certainly the public will be called upon to bear this expensive responsibility.

These, and other important considerations, seem imperatively to call upon us to make further provision for the wants of the insane of the State; and it is with profound regret that your committee have come to the conclusion that it is inexpedient, in the present condition of the finances of the State, and in view of the heavy indebtedness already incurred by the Hospital to make any immediate provisions for the extension of its wards.

The committee cannot too strongly censure the Treasurer of State for advancing money to the Hospital, after the appropriations were exhausted, and the Superintendent of the Institution, for their overdrafts upon the treasury, and their debts incurred, in violation of law, on account of the extension of the new new south wing—the whole indebtedness and overdrafts amounting to the sum of \$23,261 34.

The committee recommend that provision be made for the payment of this sum, and that future indebtedness of a like nature shall be guarded against by a proper enactment in the appropriation bill.

The committee regret that the officers of the institution did not cause to be prepared complete and detailed estimates for the improvement and expenditures of the current year.

The committee, after a careful examination of the old boiler house, now used as a wash house, bake house, and sewing room, are of the opinion that it is insecure, and endangers, in its present

shattered condition, the lives of all who are connected with the household duties of the Hospital. We recommend that it be at once removed, and that a building for the purposes of a chapel, laundry, library, celler, verandah, mangles for ironing, and machinery for washing, be erected on its site; and that this building be let by contract or contracts, to the lowest and best bidder or bidders; and that no portion of the work shall be commenced unless it can all be finished and furnished complete, with the fixtures and machinery, for a sum not exceeding that which the committee will recommend.

An abundant supply of pure, fresh water, is of vital importance to the success and even the existence of an Hospital for the insane; and yet your committee find that the Indiana Hospital has no continued and certain provision for obtaining water. The supply from the wells at present in use is generally inadequate to the wants of the institution, and at times is entirely wanting. The committee recommend that immediate provision be made for obtaining an unfailing supply, if it be deemed necessary, from Eagle creek; but if an abundance of water can be otherwise procured at a less expense, then the less expensive course shall be adopted; and the committee recommend that the commissioners shall advertise for proposals for furnishing the Hospital with sufficient water, the source of supply being at the option of the bidder, and that the contract be given to the lowest and best bidder.

The old wards of the Hospital are insufficiently furnished, much of the furniture being worn out and broken, and the committee recommend that an appropriation be made for refurnishing the same.

The committee recommend an appropriation for the construction and painting of airing court fences. Airing courts are deemed essential to the comfort and recovery of that class of patients who are too feeble to walk about, and those who are too troublesome and dangerous to be trusted out of doors, without the protection of an enclosure.

The committee recommend an appropriation for the introduction of a gas apparatus, to be used in 1858. The Benzole gas, now in use in the Institution for educating the Deaf and Dumb, to be provided, if it shall prove satisfactory in that institution; if not, any other sufficient apparatus that will not exceed in cost the sum appropriated, may be introduced.

The committee are satisfied that the expenditures on account of current expenses, considering the enhanced prices of provisions, and all articles of produce, have been judiciously made.

It is believed that the amount heretofore appropriated will be sufficient for the support of the institution for the fiscal year ending April 1st, 1857.

The committee recommend, in accordance with the estimate of the Superintendent, appropriations for current expenses as follows.

From April 1, 1857, to April 1, 1858.....	\$34,000 00
From April 1, 1858, to April 1, 1859.....	34,000 00
The committee also recommend, as before stated, for outstanding debts and overdrafts upon the treas- ury .....	23,261 34
For unfinished improvements.....	1,740 85
For chapel, laundry, bakery, cellar, verandah, and all machinery and fixtures for the same .....	25,000 00
For obtaining a supply of water .....	13,000 00
For refurnishing the old wards.....	4,000 00
For the construction and painting of airing court fences.....	700 00
For the introduction of gas apparatus, with all neces- sary fixtures .....	5,410 00

The committee recommend that the above appropriations for outstanding indebtedness and overdrafts; for unfinished improvements; for laundry, chapel, &c.; for airing court fences; for obtaining a supply of water, and one-half the sum recommended for refurnishing the old wards, shall be paid out of the revenue of 1857, and that the appropriations for gas apparatus and fixtures, and one-half the sum provided for refurnishing the old wards shall be paid out of the revenue of 1858.

The committee recommend that no portion of the buildings or improvements herein approved shall be commenced or obtained, unless they can each be finished or furnished complete for the sums to be appropriated.

The committee also recommend that the officers of the institution shall be restricted in their expenditures, to the appropriations, and that such part only of the sums appropriated shall be drawn from the treasury, as shall be needed for the several purposes specified; and that such appropriations shall be applied to such purposes and no other; and it is further recommended that the officers of State shall not permit any warrants to issue or be paid, nor advance any money to said institution, after the appropriations are exhausted, and that the Sinking Fund Commissioners be prohibited from loaning or advancing any money to said institution.

#### THE INSTITUTION FOR EDUCATING THE DEAF AND DUMB.

There are now at this institution one hundred and fifty-two pupils, who are receiving such a course of moral, intellectual and industrial education as will fit them, notwithstanding their physical misfortunes, to discharge successfully the great duties of life.

In the literary department the committee had most gratifying evidences of the practical usefulness of this noble State charity; the proper classification of the pupils; their readiness and proficiency in the different branches of study; the order, decorum and in-

telligence shown in their deportment, and the efficiency and devotion to their duties on the part of the corps of instruction, altogether give assurance of a high degree of success in the effort to educate the deaf and dumb children of the State.

In the work shops attached to the institution, are taught coopering, shoemaking and tailoring, and the boys give evidence of good capacity for acquiring these trades.

The productions of their mechanical labor are equal in quality to those of other apprentices of like experience; and the committee are convinced of the utility and propriety of having these trades as well as others of like facility and practicability maintained as permanent features of the institution.

They may not add materially to its revenues, but while imposing no charge upon its treasury, and the income being equal to or greater than the expenditures, on their account they impart instruction and skill that will ever be a certain means of support to the pupil.

The farm and garden attached to the institution afford good facilities for instructing the pupils in practical farming and gardening and the committee feel assured that this branch of their education is carefully imparted.

The committee bear cheerful testimony to the order and neatness observed in every department, and also to the faithfulness and efficiency of the superintendent and teachers, and the general administration of the officers of the institution.

On making a careful examination the committee were convinced that some method, different from that now employed, should be provided for heating the institution. Aside from the insufficiency and expensiveness of the old furnaces, it is evident that there is constant danger of fire communicating to the building.

On grounds of economy and safety from fire, the committee recommend an appropriation for warming the establishment by steam.

By adopting this recommendation there will be a relief from any further expenses on account of insurance, which, at best, is a poor guarantee against the ravages of fire in such an establishment.

The committee also recommend an appropriation for building a laundry, for performing all the washing of the establishment. This has been for a long time greatly needed, and as it will be directly connected with the heating apparatus, the expense of construction at the present time will be materially reduced.

The amount asked for this purpose is considered the last appropriation that will be required for the erection of buildings, for several years to come, and when these improvements are finished, the institution will be complete in all its parts.

The finances of the institution appear to be in a good condition. It is believed that the appropriation made by the last legislature will be sufficient for the fiscal year ending April 1st, 1857.

There will be needed for current expenses, per estimate of the superintendent :

From April 1, 1857, to April 1, 1858 .....	\$28,400
From April 1, 1858, to April 1, 1859 .....	27,400
The committee recommend, as before stated, for apparatus for heating the entire building by steam, the sum of .....	10,000
For erecting and completing laundry, the sum of ...	5,800
For inside repainting, papering and repairing, the sum of .....	5,100

The committee recommend that the appropriation for the heating apparatus and for the laundry be paid out of the revenues of 1857; and that the appropriation for inside repainting, &c., be paid out of the revenues of 1858.

The committee are of the opinion that the compensation of the superintendent of the hospital for the insane, and of the institution for educating the deaf and dumb is not equal to the responsibilities of their position, they therefore recommend that the salary of the former be raised to \$1,500, and that of the latter to \$1,300 a year.

The committee recommend that the superintendent of public instruction be authorized to furnish the hospital for the insane and the institution for educating the deaf and dumb, each, with books to the value of \$250; the books to be selected by the superintendent of said institutions, the books selected for the hospital to be for the use of the patients therein.

#### THE INSTITUTE FOR THE EDUCATION OF THE BLIND.

The committee visited this institution and made, so far as their time would permit, a careful examination of its affairs.

The report of the late superintendent is deficient in omitting the usual statistics of the number and movements of the pupils. The committee learned, on visiting the institute, that there are now sixty-five pupils engaged in pursuing the various branches of a literary education. The boys are also instructed in several branches of the mechanics arts, and the girls are taught sewing, knitting, crochette and fancy bead work. The general appearance of the establishment is creditable to its officers and assistants.

The committee regret to be compelled to say that the finances of the institute, for the last two years, have not been managed, as good policy and economy would demand; nor has the law passed at the session of 1855, making appropriations for the institute had that strict observance that the interest of the State should require.

The legislature, two years ago, made the following provision for the support of the institution:

For current expenses up to the 1st day of April, 1855.	\$4,000 00
For current expenses from 1st of April, 1855, to April 1, 1856 .....	14,450 00

From April 1st, 1856, to April 1st, 1857.....	14,450 00
For the discharge of the existing public debt.....	21,334 50
For heating apparatus.....	4,000 00
For fence in rear of the institute .....	450 00
For repairs .....	400 00
	<hr/>
	\$60,084 50

In the report of the trustees for 1856, and their estimate for appropriations for the ensuing two years, they again ask appropriations beginning October 31st, 1856, and covering five months of the time for which appropriations were made as aforesaid, and the heating apparatus which was provided for is yet incomplete.

The committee recommend the following appropriations for the year ending October 31st, 1857 :

For salaries of officers.....	\$2,800 00
For current expenditures.....	8,500 00
For furniture.....	800 00
For fuel and lights .....	1,500 00
For school apparatus.....	200 00
For work department.....	2,000 00
For pupils clothing .....	1,000 00
For implements and repairs.....	1,000 00
	<hr/>
Total .....	\$17,800 00

For the year ending October 31st, 1858, the sum of \$17,500 00, being for like purposes (less \$300 for furniture) for the five months commencing November 1st, 1858, and ending April 1st, 1859, the sum of \$7,283 33, for the same purposes as above specified. To complete the heating apparatus \$4,000. For arrears of interest due the sinking fund \$630 00. Making in all up to the 1st day April, 1859, the sum of \$47,213 00.

The committee further report that in their judgment the institute is now under the care and management of a trust worthy and skillful superintendent in whom they repose confidence, and that ample justice will be done alike to the pupils and the State they have no doubt.

From the present indications in the progress of the pupils, the committee believe that this institution will be, as it has been, an honor and credit to the people of Indiana, and will shadow forth untold blessings in behalf of that unfortunate portion of our race who are deprived of their vision.

The committee would also remark, that by the report of board of trustees, it is shown that there is in controversy between the institute and Elijah Newland, former Treasurer of State, as to the amount of \$1,362 23, and the board urge upon the legislature the propriety of taking some measure to recover the amount so in controversy.

The committee therefore offer and recommend the following resolution :

*Resolved*, That the Attorney General of the State be requested to take the necessary steps, without delay, to obtain, from the proper person to pay the same, the sum of \$1,362 23, in controversy between the Institute for the education of the Blind and Elijah Newland, former treasurer of State.

The committee recommend that William R. Nofsinger be allowed the sum of six hundred dollars, for services during the two years last past, as treasurer of the Hospital for the Insane, Institute for the education of the Blind, and the Institution educating the Deaf and Dumb.

In conclusion, the committee would respectfully recommend the following as a section in the general appropriation bill :

Sec. —. That it shall be unlawful for the Auditor or Treasurer of State to issue any warrants, or to pay or advance any money, for or in behalf of either of the benevolent institutions of the State, after the appropriations in this act provided for are exhausted ; and for such offence against the provisions of this section, the person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, before any court of competent jurisdiction, shall be fined in any sum not less than fifty nor more than one hundred dollars.

Which was laid on the table by unanimous consent.

By unanimous consent,

Mr. Green presented the petition of a number of ladies of the town of Noblesville on the subject of temperance.

Which,

On motion by Mr. Green,

Was referred to the committee on temperance.

By unanimous consent,

Mr. Drew made the following report, from the select committee appointed to inquire into alleged mismanagement on the part of the officers charged with the canal interests :

MR. PRESIDENT :

The committee to whom was referred the resolution of the Senate instructing them to inquire into the alleged causes of complaint concerning the mismanagement of the southern sections of the Wabash and Erie Canal, have had the same under consideration, and have instructed me to submit the following conclusions, at which they have arrived, with reference to said canal :



1. That in its construction there seems to have been a greater desire to build it cheaply than in such a manner as to render it permanent, and to meet the demands of its commerce and that of the country through which it passes.

2. That at a point offering the greatest obstacle to its navigation (Pigeon Summit), the tow-path is built at so great a height above its bed as to require three times the force of teams to propel boats as other portions; and that for want of trenches in this deep cut, to prevent the washing of the earth into the canal, bars are continually forming, rendering it impassable for boats with full freight; that this has been known both to the engineers and trustees for over three years, and that the obstructions which this point has presented to its navigation, together with all the complaints continually made, have only been able, within a few weeks past, to procure an order for its partial remedy; hence we infer that our interests are studiously or most carelessly neglected.

3. That while the two lower districts are much longer than those above, the banks comparatively new, and from the character of the country and the soil through which it passes, are much more liable to leaks, there is but one State boat for each division, while two to three times the force is employed on the shorter districts above.

4. That from the fault in the original construction, or the management of the canal since, there are certain points in it where the water has never been but little over two feet, even at its best stage, and generally under that, while the law requires of the bondholders that they shall furnish (casualties excepted) four feet of water; and that if those points were dug as deep as others, or kept well cleaned out, this quantity of water might be regularly furnished, with much less danger to the banks at other points, as there need not be so great a strain upon them in order to give the necessary depth of water.

5. That the trustees or engineer, in their management of this end of the canal, have, inadvertently or intentionally, so controlled it as almost entirely to cut us off from the benefits to be derived from its successful operation since its construction. That the trustees and engineers do not give enough personal supervision to, and consequently cannot know, the necessities and condition of these levels. That they rely too much for information on the reports of their superintendent, who, being responsible for any mismanagement on their own districts, should not be relied upon for all their information, as no man is expected to criminate himself.

6. That while from fifteen to twenty-five leaks may at any time be counted (as frequently has been) in a ride of ten miles on the tow-path, the powers that be seem utterly indifferent to them, until sooner or later they cause breaks and suspend navigation.

7. That efficiency of the superintendent on the largest districts, which are on this end of the canal, are at times impaired by instructions from the engineers, to bring the expenditures on their dis-

tricts under \$6,000, or equal to the salary, or what seems to be two efficient officers, while from the engineer's report we see that double the amount is expended on the upper and older divisions of the canal where the banks are more permanent.

8. That the annual report of the engineers, in our judgment, does not by any means account for the want of revenue received on the lower division, on the proper ground, the true causes being that the canal has been so unreliable, that shippers have lost largely by damage, detention to their produce and merchandise, and have been compelled to seek some other mode of conveyance, even at greatly increased rates. That confidence has been destroyed, that most of the boatmen have been ruined or forced to abandon the trade, and that for about ten months in the year it was not navigable.

9. In confirmation of the foregoing, we herewith present you a table of the arrivals and departures at this point, for the years 1855 and 1856:

ARRIVALS.	1855.	1856.
From Terre Haute and above.....	49	4
From Washington and above.....	25	10
From Newberry and below .....	157	85
	<hr/> 221	<hr/> 99
CLEARANCES.	1855.	1856.
To Terre Haute and above .....	8	47
To Washington and above .....	11	31
To Newberry and below .....	91	159
	<hr/> 110	<hr/> 337

A large proportion of the above were cleared without cargo, and many with and without cargo were unable to reach their port of destination having in many instances to wagon freight over half the way or return and ship by railroad.

10. We affirm as our sober conviction that with proper efforts on the part of the officers entrusted with the management of the canal, this great work, heretofore a failure, could be kept in navigable condition, the confidence of the shippers and the public restored. That this end of the canal, instead of being a public nuisance, would become a public blessing, instead of being an expense, (as it ever must be under the present order of things,) would, from its increased amount of tolls, &c., defray all its own expenses and pay a handsome revenue into the treasury of the company, and that it has nothing to fear from competing lines of transportation, if kept in a navigable condition.

The committee would further represent, that in their opinion, the present Legislature would be doing good service to the State and

the Wabash and Erie Canal, by electing to the office of State trustee some gentlemen residing near the southern terminus of the great work, and that men of all parties in that section of country are deeply interested in the election of said trustee. Under its present management the people of south-western Indiana, despair of its ever being the great and useful public work it should be, and your committee, representing that people, would earnestly impress upon the Senate the necessity of electing a trustee whom public opinion in the south-west shall hold to a strict accountability.

Your committee would, in conclusion, recommend that a copy of this report be forwarded to each of the trustees of said canal, and that the same be published in the Indiana State Journal and State Sentinel, and Evansville Enquirer and Evansville Journal.

Which was laid on the table.

By unanimous consent,

Mr. Parker presented a petition from sundry citizens of Jasper county, asking for the passage of a law requiring all swamp lands in that county, fraudulently taken up, and not legally paid for, to be made subject to public sale, until fully and lawfully paid for.

Which was laid on the table.

The following message from His Excellency, the Governor, by Mr. Osborne, executive messenger :

MR. PRESIDENT :

I am directed by the Governor to inform the Senate that he has approved and signed the following bill :

Senate bill No. 88. A bill to enable persons whose wives are insane to convey real estate.

On motion by Mr. Alexander,  
A call of the Senate was ordered.

The Secretary proceeded with the call ;  
Pending which,

By unanimous consent,  
The Senate adjourned.

2 O'CLOCK, P. M.

The Senate met.

Mr. Sage moved that the Senate pass informally the matter pending, for the purpose of taking up the regular order of business.

Objections being made,

The President decided that the motion was out of order, without the unanimous consent of the Senate.

Senators Yaryan and Sage appealed from the decision of the President as follows :

“ The President having decided that it is out of order to take up the orders of business without the unanimous consent of the Senate, we appeal to the Senate from the decision of the President.

On motion by Mr. Parker,  
A call of the Senate was ordered.

The Secretary proceeded with the call ;  
Pending which.  
Mr. Weir was excused from the call.

It being found that all the senators were present except Messrs. Crouge, Gooding and Rice, and those who had been previously excused ;

On motion by Mr. Drew,  
The further call was suspended.

The question then recurred on the appeal from the decision of the President.

The question being shall the decision of the President stand as the judgment of the Senate ?

The ayes and noes were demanded by senators Yaryan and Sage,

*Those who voted in the affirmative were,*

Messrs. Alexander, Heffien, Johnston, Mansfield, McCleary and Slater of Johnson—6.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Drew, Ensey, Fisk, Freeland, Green, Griggs, Hargrove, Hendry, Hill, Hostetler, March, McClure, Richardson, Rugg, Sage, Stevens, Suit, Tarkington, Thompson, Weston and Yaryan—30.

So the decision of President was not sustained.

So the order of business was suspended, and,

On motion by Mr. Suit,

The report of the select committee on Senate bill No. 70. "A bill to provide for the subscription of the Indiana statutes, and for the payment thereof," made several days ago was taken from the table.

The report was concurred in and the amendment adopted.

Mr. Hostetler moved that the further consideration of the bill be indefinitely postponed.

The ayes and noes being demanded by senators Suit and Hostetler,

*Those who voted in the affirmative were,*

Messrs. Brown, Cooper, Ensey, Fisk, Freeland, Gooding, Hargrove, Hostetler, Johnston, Mansfield, McCleary, McClure, Richardson, Slater of Dearborn and Slater of Johnston—15.

*Those who voted in the negative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Burke, Chapman, Crane, Cravens, Drew, Green, Griggs, Heffren, Hendry, Hill, Kinley, March, Miller, Parker, Rugg, Sage, Stevens, Suit, Tarkington, Thompson, Weston and Yaryan—26.

So the bill was not indefinitely postponed.

The bill was ordered to be engrossed and read a third time to-morrow.

#### ORDERS OF THE DAY.

#### *Senate Bills on Third Reading.*

Senate bill No. 80. A bill to amend the 138th section of an act  
S. J.—37

entitled "an act providing for the settlement of decedents estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement ;

Was read a third time.

The question being shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Drew, Ensey, Fisk, Freeland, Gooding, Green, Griggs, Hargrove, Heffren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Miller, McCleary, McClure, Parker, Richardson, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Tarkington, Thompson, Weston and Yaryan—38.

*Those who voted in the negative were,*

Messrs. Bearss and Stevens—2.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

On motion by Mr. Johnston,

The vote on the final passage of Senate bill No. 108. A bill to amend an act entitled "an act providing for the election and prescribing certain duties of county surveyor," taken February 24, 1857,

Was reconsidered.

Mr. Johnston offered the following amendment to the bill :

Amend by inserting the following after the word "seal," in the last line :

"And such surveyor is hereby authorized to procure, keep, and use an official seal."

Further amend, by inserting the following section :

"Sec. 2. This act shall take effect and be in force from and after its passage and publication."

Which was unanimously agreed to.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Brown, Burke, Chapman, Crane, Cravens, Drew, Ensey, Freeland, Gooding, Green, Griggs, Heffren, Hill, Johnston, Kinley, March, Mansfield, Miller, McClure, Parker, Richardson, Rice, Sage, Slater of Johnson, Stevens, Tarkington, Thompson Weston and Yaryan—33.

*Those who voted in the negative were,*

Messrs. Hargrove, Hendry, Hostetler, McCleary, Slater of Dearborn and Suit—7.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

By unanimous consent,

The order of business was suspended, and

Mr. Yaryan moved that Senate bill No. 136. A bill to amend the 30th section of an act entitled "an act to provide a general system of common schools, the officers thereof, their powers and duties and matters properly connected therewith, and establish township libraries, and for the regulation thereof," be read a second time now.

Which was agreed to.

So the bill was read a second time.

Mr. Yaryan moved that the rules be suspended, the bill be considered as engrossed, and read a third time now.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Drew, Ensey, Freeland, Green, Griggs, Heffren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, McCleary, McClure, Parker, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Thompson, Weston and Yaryan—36.

*Those who voted in the negative were,*

Messrs. Hargrove and Richardson—2.

So the rules were suspended and the bill read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Drew, Ensey, Freeland, Green, Griggs, Hargrove, Heffren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Miller, McCleary, McClure, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Thompson, Weston and Yaryan—39.

No senator voting in the negative.

So the bill passed.

*Ordered,* That the secretary inform the House thereof.

On motion by Mr. Freeland,  
The order of business was suspended, and  
The following message from the House was taken up:

A message from the House by Mr. Bowes, their clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate, viz:

No. 102. A bill to amend section 25 of an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant, approved May 29, 1852, and also to facilitate the ditching and draining of swamp lands, and to provide for the payment therefor in certain cases therein mentioned, with the following engrossed amendments of the House thereto.

In which the concurrence of the Senate is respectfully requested.

**First amendment:**

Amend section 2, by inserting after the words "original plan and estimates," the words "and contracts."

**Second amendment:**

Amend section 2, by inserting after the words "person or persons," the following, "or any person or persons to whom they shall have assigned any portion of said contracts; or to whom they shall have conveyed, or attempted to convey, any portion of said lands; and in all cases where patents have been issued on estimates for



work not completed, they shall be returned and canceled, and the lands and contracts held subject to the provisions of this act."

Third amendment:

Amend by adding to section 3 the following: "And such certificates shall be assignable, and entitle the holder to such patent; and if any such contractor, or his assigns, shall pay to the treasurer of the proper county the amount for which any of the lands so selected by him is subject to entry for cash, he may receive a certificate of payment therefor, upon which he shall be entitled to receive deeds from the State, and the money so paid to the county treasurer shall be retained in the county treasury, and shall be paid out to such contractor, or his assigns, upon the warrants of the commissioner, upon estimates for work done upon the contract; but such estimates shall not be for more than seventy-five per cent. of the work done until the contract is completed, when the final estimate shall include the percentage thus retained; and the money so paid into the county treasury shall not be applied or used for any other purpose, until the ditching and draining of such land is completed."

The question being shall the engrossed amendments of the House to Senate bill No. 102, contained in the foregoing message, be concurred in?

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Drew, Ensey, Freeland, Green, Griggs, Hargrove, Heffren, Hendry, Hostetler, Johnston, Kinley, March, Mansfield, Miller, McCleary, Parker, Richardson, Rice, Rugg, Sage, Slate of Johnson, Stevens, Suit, Tarkington, Thompson and Weston—35.

*Those who voted in the negative were,*

Messrs. Brown, Gooding and McClure—3.

So the amendments were concurred in.

By unanimous consent,

The order of business was suspended, and,

On motion by Mr. Cravens,

House bill No. 88. An act for the incorporation and continuance of building, loan fund, and savings associations,

Was taken from the files and read a second time.

On motion by Mr. Cravens,

The bill was referred to the committee on corporations.

Senate bill No. 34. A bill to amend the 5th section of an act entitled "an act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855.

Was read a third time.

The question being shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Drew, Ensey, Fisk, Freeland, Gooding, Green, Hargrove, Heffren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Miller, McClure, Parker, Richardson, Rice, Rugg, Sage, Stevens, Suit, Tarkington, Thompson, Weston and Yaryan—37.

No senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Senate bill No. 148. An act to provide for the erection of suitable buildings for executive and other officers of State, supreme court room, supreme court clerk's office, Attorney General's office, &c.

Was read a third time.

The question then being shall the bill pass.

*Those who voted in the affirmative were,*

Messrs. Blair, Bobbs, Burke, Crane, Cravens, Drew, Green, Rice, Sage, Stevens, Suit, Tarkington and Yaryan—13.

*Those who voted in the negative were,*

Messrs. Alexander, Bearss, Brown, Chapman, Cooper, Ensey, Freeland, Gooding, Hargrove, Heffren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Miller, McClure, Richardson, Rugg, Slater of Dearborn, Thompson and Weston—24.

So the bill did not pass.

Senate bill No. 106. A bill to amend the 32d section of an act defining misdemeanors and prescribing punishment therefor, approved June 24, 1852 ;

Was read a third time.

The question being shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Drew, Ensey, Freeland, Gooding, Green, Hargrove, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Miller, McClure, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Tarkington, Thompson Weston and Yaryan—37.

*Those who voted in the negative were,*

Messrs. Heffren and Suit—2.

So the bill passed.

*Ordered,* That the secretary inform the House thereof.

Senate bill No. 121. A bill to prohibit the issue of bank notes for circulation by the Bank of the State of Indiana, upon deposit, and to provide for the location of additional branches of said bank;

Was read a third time.

On motion by Mr. Slater of Dearborn,  
The bill was laid on the table.

Senate bill No. 27. A bill amendatory of sections six and eight of chapter eight of the Revised Statutes of 1852;

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Bobbs, Brown, Ensey, Freeland, Green, Heffren, Johnston, Kinley, McClure, Parker, Rice, Sage, Slater of Johnson, Suit, Weston and Yaryan—18.

*Those who voted in the negative were,*

Messrs. Bearss, Burke, Chapman, Cooper, Crane, Cravens, Drew, Gooding, Hargrove, Hendry, Hill, Hostetler, March, Mansfield, Miller, Richardson, Rugg, Slater of Dearborn and Thompson—19.

So the bill did not pass.

Senate bill No. 75. A bill authorizing the trustees of townships to establish water courses and to locate ditches in certain cases.

Was read a third time.

The question being shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Burke, Cooper. Cravens, Fisk, Freeland, Green, Hill, March, Miller, Richardson, Rice, Rugg, Stevens, Tarkington, Weston and Yaryan—20.

*Those who voted in the negative were,*

Messrs. Brown, Chapman. Crane, Ensey, Gooding, Hargrove, Heffren, Hendry, Hostetler, Johnston, Kinley, Mansfield, McClure, Sage and Thompson—15.

So the bill did not pass for the want of a constitutional majority.

Senate bill No. 63. A bill to amend the 6th, 20th, 2d, 78th, 79th, 96th, 109th and 134 sections, and to repeal section 99 of an act entitled an act to provide for the valuation and assessment of the real and personal property, and for the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors and appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State, approved June 1st, 1852, and to provide for the assessment and taxation of banks, brokers, stock-jobbers, insurance companies, trust companies, savings institutions, gas companies, and other joint stock companies, whose taxation is not specifically provided for.

Was read a third time.

The question being shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Bobbs, Crane, Cravens, Drew, Ensey, Fisk, Freeland, Green, Griggs, Hargrove, Heffren, Hostetler, Johnston, Kinley, March, Mansfield, Miller, McCleary, McClure, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Weston and Yaryan—32.

*Those who voted in the negative were,*

Messrs. Brown, Burke, Chapman, Hendry, Hill, Parker and Thompson—7.

So the bill passed.

*Ordered,* That the Secretary inform the house thereof.

On motion by Mr. Cravens,  
The order of business was suspended, and

House bill No. 21. A bill to appraise the real estate of the State of Indiana, and to make such appraisement uniform throughout the State,

Was taken from the files and read a third time.

The following messages from the House were taken up :

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, viz :

No. 209. An act to amend the 1st section of an act entitled "an act to provide for the valuation and assessment of the real and personal property and for the collection taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State, approved June 21, 1852, so as to exempt certain property therein named from taxation. Also,

No. 272. An act to prevent market houses from being built upon the streets of towns and cities, without the consent of two-thirds of the owners of the lots on such streets, and to authorize the removal of the same.

In which the concurrence of the Senate is respectfully requested.

House bills No. 209 and 272, contained in the foregoing message,

Were each read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof, viz :

No. 162. A bill for the creation of townships, election of trustees, and mode of assessing township tax and doing township business. Also,

No. 221. An act to reduce the width of the Michigan road lying

between Indianapolis and Logansport from one hundred to sixty feet in width. Also,

No. 326. An act to raise revenue for State purposes for the years 1857 and 1858. Also,

No. 263. An act declaring John O'Brien a brother of Micheal O'Brien deceased, and the children of a deceased heirs at law of the said Micheal O'Brien deceased, and capable of inheriting his real estate in Indiana. Also,

No. 66. An act for the investment and safe-keeping of the school fund from the 114th section of an act establishing a State bank, approved January 28, 1834, and for the election of sinking fund commissioners, and prescribing their duties.

In which the concurrence of the Senate is respectfully requested.

House bills Nos. 162, 221, 326, 56 and 263, contained in the foregoing message,

Were each read a first time and passed to a second reading.

On motion by Mr. Yaryan,

The committee on elections was granted leave to sit during the session of the Senate this afternoon.

A message from the House, by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in the following resolution of the Senate, viz :

*Resolved*, That senators Sage, Tarkington, Cravens, Brown and Parker, be and they are hereby appointed a committee on the part of the Senate, to act with a similar committee on the part of the House of Representatives, to prepare and present to the Senate and House of Representatives a bill apportioning the State for senatorial and representative purposes.

And that Messrs. Humphreys, Smith of Bartholomew, Wagner, Blake and Hayden, have been appointed said committee on the part of the House of Representatives.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the

Senate that the House has passed the following engrossed bill thereof, viz:

No. 251. A bill to legalize the collection of taxes made during the year 1856, in conformity with an act entitled "an act to appraise the real estate of this State, and to make the value of the same equal and uniform throughout this State," approved February 13, 1851.

In which the concurrence of the Senate is respectfully requested.

House bill No. 251, contained in the foregoing message,  
Was read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed joint resolution thereof, viz:

No. 16. A joint resolution in reference to the management of the public property of the State of Indiana.

In which the concurrence of the Senate is respectfully requested.

House joint resolution No. 16, contained in the foregoing message,

Was read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof, to-wit:

No. 333. A bill to authorize the Treasurer of State to buy, for the State, land sold on execution or by order of court, and to sell the same and execute deeds therefor, and to legalize purchases and sales already made in similar cases. Also,

No. 270. An act to amend section six of an act entitled "an act to incorporate the St. Joseph Iron Company," approved Jan. 22, 1835, and to repeal of said act sections 7, 8, 9, 10, 11 and 12, whereby said company will be released from the obligation to keep up and maintain a lock at their dam on the St. Joseph river, at Mishawaka. Also,

No. 271. An act to amend an act entitled "an act to incorporate the South Bend Manufacturing Company," approved Dec. 28, 1842, so as to repeal so much of section seven of said act as requires said company to keep up and maintain a lock at the dam on the St. Joseph river. Also,

An act to provide for the assessment and taxation of lands and real estate belonging to railroad, plankroad, or other incorporated or joint stock company. Also,

No. 320. An act providing for transfers of scholarships in the Indiana University, for valuable consideration. Also,

No. 267. A bill to enable railroad companies to alter the line of railroads, when sufficient stock cannot be raised to complete the same according to the original design thereof.

In which the concurrence of the Senate is respectfully requested.

House bills No. 333, 270, 271, 294, 320 and 267, contained in the foregoing message,

Were each read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bill thereof, viz :

No. 76. An act to authorize the board of county commissioners to allow a compensation to circuit judges, or other persons duly authorized, for holding a journe'd or special sessions of their court, and to give a speedy public trial to all persons who may be charged with felony in this State, and imprisoned therefor in the county jail.

In which the concurrence of the Senate is respectfully requested.

House bill No. 76, contained in the foregoing message,  
Was read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof :



No. 282. A bill to amend the 48th section of the general banking law of Indiana, and to declare the meaning of said section.

In which the concurrence of the Senate is respectfully requested.

House bill No. 282, contained in the foregoing message,  
Was read a first time and passed to a second reading.

On motion by Mr. Gooding,  
The order of business was suspended, and  
Mr. Gooding, chairman of the committee on temperance, made the following report :

**MR. PRESIDENT :**

The committee on temperance, to whom was referred Senate bill No. 54, entitled "a bill to regulate and restrain the retailing of spirituous liquors, and for the suppression of the evils arising therefrom," have had the same under consideration, and have directed me to report the same back to the Senate and ask to be discharged from its further consideration.

The report was concurred in.

On motion by Mr. Slater of Dearborn,  
The bill was referred to a select committee of three.

Senators Slater of Dearborn, Heffren and Crane were appointed said select committee.

A message from the House by Mr. Bowes, their clerk :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, viz :

No. 71. A bill to change and fix the time for holding the several circuit courts in the third judicial circuit.

In which the concurrence of the Senate is respectfully requested.

House bill No. 71, contained in the foregoing message,  
Was read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Sen-

ate that the House insists upon its disagreement to engrossed amendment No. 1, of the Senate to engrossed bill of the House No. 84, a bill to amend the 31st section of an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11, 1852; and that Messrs. Davis of Sullivan, Kerr and Schermerhorn have been appointed a committee of free conference on the part of the House, to act with a similar committee on the part of the Senate.

In which the concurrence of the Senate is respectfully requested.

Mr. March moved that the Senate insist on its amendment to House bill No. 84, contained in the foregoing message.

Which was agreed to.

Messrs. March, Tarkington and Weir were appointed a committee of free conference to act with the committee of the House, named in the foregoing message.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof, viz :

No. 284. An act authorizing all persons to travel upon plank, McAdamized and gravel roads, free from toll, in going to and returning from church or public worship on the Sabbath day. Also,

No. 175. A bill proposing to amend the 2d section of article 2 of the constitution of the State of Indiana. Also,

No. 184. An act to amend section 8 of an act providing for the election of clerks of the circuit court, and prescribing some of their duties ; approved June 7th, 1852. Also,

No. 181. A bill to amend section 321 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to establish distinct forms of action at law and to provide for the administration of justice in a more uniform mode of pleading and practice without distinction between law and equity ; approved June 18, 1852.

In which the concurrence of the Senate is respectfully requested.

House bills Nos. 384, 175, 184 and 181, contained in the foregoing message,

Were each read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof :

No. 305. An act to change the time of holding the circuit courts in the tenth judicial circuit, and to extend the length of the term of said court in Allen county, and providing additional compensation to the judge thereof.

In which the concurrence of the Senate is respectfully requested.

House bill No. 305, contained in the foregoing report,  
Was read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in engrossed amendments of the Senate to engrossed bill of the House No. 125, a bill to vest certain rights in married women whose husbands have left the State without making suitable provisions for their maintainance, or whose husbands are confined in the State prison.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House have concurred in the engrossed amendment of the Senate, to engrossed bill of the House No. 132, an act to amend an act declaratory of the law regulating marriages, and enforcing the provisions thereof by proper penalties ; approved March 5th 1852.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill thereof :

No. 87. An act to provide for the greater security of the funds of the State entrusted to the management of the Agent of State,

prescribing certain additional duties for the Agent and Auditor of State, and imposing certain penalties for the neglect thereof.

In which the concurrence of the Senate is respectfully requested.

House bill S7, contained in the foregoing message,  
Was read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, viz :

No. 241. An act to establish forms in criminal proceedings and to declare valid the use of such forms heretofore.

In which the concurrence of the Senate is respectfully requested.

House bill No. 241, contained in the foregoing message,  
Was read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill thereof, viz :

No. 8. An act to compel railroad companies to keep an office within this State, and allowing process to be issued in any county through which any such railroad passes, and allowing railroad companies to change their roads under certain restrictions.

In which the concurrence of the Senate is respectfully requested.

House bill No. 8, contained in the foregoing message,  
Was read a first time and passed to a second reading.

A message from the House by Mr. Bowes their clerk.

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, viz :

No. 242. An act to enable the different counties in the State

having a swamp land fund, to ascertain and use the amount thereof for the purpose of ditching the swamp lands therein.

In which the concurrence of the Senate is respectfully requested.

House bill No. 242, contained in the foregoing message,  
Was read a first time and passed to a second reading.

#### SENATE BILLS ON SECOND READING.

Senate bill No. 149. A bill to change the time of holding the circuit court for the county of Sullivan, and to lengthen the session thereof."

Was read a second time, and,

On motion of Mr. Slater of Dearborn,  
Referred to the committee on the organization of courts.

Senate bill No. 128. A bill authorizing the Treasurer of State to pay purchase money, as therein provided, to any person who entered lands of the General Government in this State, a part of which land was subsequently returned as swamp land, and the purchase money paid by the General Government into the treasury of this State.

Was read a second time, and

The bill was ordered to be engrossed and read a third time to-morrow.

Senate bill No. 132. A bill to provide for the collection of taxes on railroads and other incorporated companies.

Was read a second time and ordered to be engrossed and read a third time to-morrow.

Senate bill No. 131. A bill to provide for oral argument and speedy decision of causes in the supreme court.

Was read a second time, and

The bill was ordered to be engrossed and read a third time to-morrow.

By unanimous consent,

The order of business was suspended, and,

Mr. Heffren offered the following resolution:

*Resolved*, That inasmuch as the drawers of several senators have been feloniously opened, and divers and sundry postage stamps taken therefrom, thereby leaving the said senators entirely destitute, that the doorkeeper be directed to procure, for the use of the members and officers of the Senate, one sheet of three cent stamps and two sheets of one cent stamps, and that he be directed, if possible, to ferret out the pilferer of the stamps above referred to.

S. J.—38.

Mr. Hostetler moved to lay the resolution on the table.  
Which was not agreed to.

The question recurred on the adoption of the resolution  
Which was not agreed to.

Senate bill No. 142. A bill declaring the existence of an emergency for the passage of and immediate taking effect of an act providing for the removal of the buildings on the Governor's Circle, in the city of Indianapolis, and the improvement thereof.

Was read a second time, and

Ordered to be engrossed and read a third time to-morrow.

Senate bill No. 129. A bill to regulate and determine the fees of judges in writs of habeas corpus, injunctions, and restraining orders, in the vacation of courts.

Was read a second time, and

Ordered to be engrossed and read a third time to-morrow.

Mr. Heffren moved that the Senate now adjourn.  
Which was not agreed to.

On motion by Mr. Alexander,

Senate bill No. 118. A bill to establish a bank with branches, and to enable the stockholders to obtain a loan of the capital stock upon the faith of real estate:

Was taken from the table and referred to the committee on banks.

By unanimous consent,

The order of business was suspended, and,

Mr. Green, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred House bill No. 88, "a bill for the incorporation and continuance of building, loan fund and savings associations," have had the same under consideration and have directed me to report the same back and recommend its passage.

The report was concurred in and the bill ordered to a third reading on to-morrow.

By unanimous consent,

The order of business was suspended, and

Mr. Bobbs, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred Senate bill No. 95, "a bill to amend section 651 of an act entitled 'an act to enforce mechanics' liens on buildings,'" approved June 18, 1852, have had the same under consideration and have directed me to report back the following:

Senate bill No. 150. A bill to amend an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity; approved June 18, 1852.

In lieu thereof, and to earnestly recommend its passage.

Senate bill No. 150, contained in the foregoing report,  
Was read a first time and passed to a second reading.

By unanimous consent,  
The order of business was suspended, and,  
Mr. Bobbs introduced

Senate bill No. 151. A bill to amend an act entitled "an act to provide for the incorporation of railroad companies," approved May 11, 1852.

Which was read a first time and passed to a second reading.

On motion by Mr. Heffren,

The vote on the final passage of Senate bill No. 112, "a bill to repeal section 1st of an act prescribing the duties and fixing the compensation of State Agent," approved June 17, 1852, and to provide for the election of State Agent by the people,  
Was reconsidered.

On motion by Mr. Slater of Dearborn,

The vote ordering Senate bill No. 112, "a bill to repeal section 1st of an act prescribing the duties and fixing the compensation of State Agent," approved June 17, 1852, and to provide for the election of State Agent by the people, to be engrossed,  
Was reconsidered.

On motion by Mr. Slater of Dearborn.

The bill was referred to a select committee of three.

Messrs. Slater of Dearborn, Heffren and Alexander were appointed said select committee.

By unanimous consent,  
The order of business was suspended, and

Mr. March, chairman of the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred Senate bill No. 87, "a bill for the investment and safekeeping of the school fund arising from the 114th section of an act establishing a State Bank," approved January 28, 1834, have had the same under consideration, and have directed me to report the same back and ask to be discharged from the further consideration thereof.

The report was concurred in and the bill laid on the table.

By unanimous consent,  
The order of business was suspended, and

Mr. Blair introduced

Senate Bill No. 152. A bill to amend the 1st section of an act entitled "an act to amend the 5th section of an act entitled 'an act for the more uniform mode of doing township business,'" approved March 1, 1853, and to amend sections 6, 7, and 12 of an act entitled "an act for the more uniform mode of doing township business," approved May 6, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,  
The orders of the day were suspended, and

Mr. Bobbs introduced

Senate bill No. 153. A bill for the registration of births, marriages and deaths in the State.

Was read a first time.

Mr. Hostetler moved to reject the bill.

Mr. Blair moved to lay the motion on the table.

The ayes and noes being demanded by senators Heffren and Hostetler,

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Bobbs, Burke, Crouse, Fisk, Gooding, Green, Heffren, March, Miller, Rugg, Stevens, Tarkington and Thompson—15.



*Those who voted in the negative were,*

Messrs. Crane, Hargrove, Hostetler, Richardson, and Slater of Dearborn—5.

No quorum voting,

On motion of Mr. Slater of Dearborn,  
The Senate adjourned.

TUESDAY MORNING, 9 O'CLOCK, }  
March 3, 1857. }

The Senate met.

The Secretary proceeded with the reading of the journal ;

When,

On motion,

The further reading was dispensed with.

The President laid before the Senate the following communications and accompanying report :

OFFICE OF THE COMMISSIONERS OF THE SINKING FUND. }  
Indianapolis, March 2, 1857. }

HON. A. A. HAMMOND,

*President of the Senate :*

SIR :—In compliance with the resolution of the Senate, addressed to me, I herewith submit a report of the amount loaned by the board of commissioners of the sinking fund, and the names and residence of persons to whom such loans have been made.

I am, very respectfully,

Your obedient servant,

E. DUMONT, *President.*

Mr. Hostetler moved to lay the report on the table and that 200 ordered to be printed for the use of Senate.

Mr. Sage called for a division of the question.

The question being shall the report be laid on the table?

It was agreed to.

The question then being shall 200 copies be printed for the use of the Senate?

Which was not agreed to.

Mr. Tarkington moved to recommit House bill No. 21. "A bill to appraise the real estate in the State of Indiana and to make such appraisement uniform throughout the State," to a select committee of three, with instructions to strike out therefrom, all after the enacting clause, and insert:

Senate bill No. 18. "A bill to provide for the appraisement of real property, and prescribing the duties of officers in relation thereto."

Which was agreed to.

Messrs. Tarkington, March and Slater of Dearborn were appointed said select committee.

#### PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Drew presented the petition of Mr. Wm. J. Elliott, praying the Senate to authorize the committee on elections to send for persons and papers in the case of the contested seat of the senator from the county of Marion;

Which,

On motion by Mr. Suit,

Was referred to the committee on elections.

Mr. Chapman introduced a petition from sundry citizens of Huntington county praying the passage of an efficient and constitutional prohibitory liquor law.

Which,

On motion by Mr. Sage,

Was referred to the committee on temperance.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Suit, chairman of the committee on elections, made the following report:

MR. PRESIDENT:

The committee on elections, to whom was referred the petition of D. O. Daily, praying to be admitted to a seat in this body as senator from the county of Clark, with the accompanying papers, have

had the same under consideration, and directed me to submit the following report :

Your committee in the first place, doubt, exceedingly, the election of the members of the General Assembly at the last October election being legal, for the reason that no apportionment law had been passed, and do not believe the Governor had the power to supply that necessary part of the powers and duties of an independent branch of the State Government, *viz*: pass a law districting the State for representative purposes.

In the second place your committee do not believe that the people of what was once a legally constituted senatorial district, can judge as to the fact, whether their senator had vacated his seat by any act of his.

We admit the right of revolution, but to revolutionize there must be a necessity for it and a proper commencement. A majority believe the seat of the senator from Clark, was, at the time of the election in October, vacant; and so by the act of one who had been legally and constitutionally elected. A minority think otherwise; but the right of Daily to a seat in his stead is quite another question, and the committee had no difficulty in coming to the conclusion that he had no such right. I am directed by the committee to ask the concurrence of the Senate in the following resolution :

*Resolved*. That D. O. Daily is not entitled to a seat on this floor, as a senator from Clark, and that the subject matter of his petition be indefinitely postponed.

The report was concurred in and the resolution adopted.

Mr. March, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred <sup>1</sup> Senate bill No. 109, "a bill to require each county to pay the expenses incurred in taking and returning to such counties fugitives therefrom, and directing how the same shall be paid," have had the same under consideration and directed me to report it back with the following amendments, after the adoption of which, they recommend its passage.

Amend section 2 as follows :

Sec. 2. "That all claims or charges made by any officers of the law, or any other person, under the provisions of the preceeding section of this act, shall be presented to the board of county commissioners of the county to which the fugitive may be returned, who shall decide upon all such claims, and order such sums as may be allowed to be paid out of the county treasury."

Amend by striking out the 31 section of the bill.

The report was concurred in, the amendment adopted, and the bill ordered to be engrossed and read a third time to morrow.

Mr. Yaryan, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 97, "an act to provide for the sale of certain lands belonging to the State University, the application and investment of the purchase money thereof, and to enable the board of trustees of said university to obtain accurate information in relation to the property thereof," have had the same under consideration and instructed me to report it back with a recommendation for its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Rugg, from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred the petition of William B. Loughridge, for an allowance to him for witness fees, in the Huntington county contested election, at the last session of the General Assembly, have directed me to report the same back, and recommend that petitioner have leave to withdraw his petition.

Which was concurred in.

Mr. Hendry, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 119, "an act to amend section 3 of an act entitled 'an act regulating prosecutions in cases of bastardy, and providing for the support of illegitimate children,' " approved May 6, 1852, have had the same under consideration, and directed me to report it back and recommend its indefinite postponement, and the committee ask to be discharged from the further consideration of the subject.

The report was concurred in and the bill indefinitely postponed.

Mr. March, from the committee on finance, made the following report:

MR. PRESIDENT :

The committee on finance, to whom was referred Senate bill No. 66, have had the same under consideration, and have directed me to report the same back with the following amendments, and when so amended to recommend its passage :

Amend the title by striking out the following words, viz: "Sinking fund and all other public funds," and insert these words, to-wit: "Surplus revenue fund."

Amend section 1. by striking out the following words, viz: "Sinking fund, and all other moneys belonging to the State."

Amend by striking out section 3.

Amend section 4, by inserting in the proper place these words, viz: "Surplus revenue," so as to make it correspond with section 2d. Also,

Amend section 4, by striking out the following words, viz: "And in no case shall it be lawful for any officer having charge of any of the aforesaid funds, to make any charges for services, or to do any act to increase the expense of the obligor, in any instance, where an extension of time is asked in cases of loans heretofore provided.

Also, further amend by inserting section 5, which reads as follows, viz:

Sec. 5. Whereas, the period for which many loans have been made, will have expired before the publication and circulation of the acts of the legislature in the several counties of the State, it is declared that an emergency exists for the immediate taking effect of this act, and the same shall be in force from and after its passage.

The report was concurred in, the amendments adopted, and the bill ordered to be engrossed and read a third time on to-morrow.

Mr. Griggs, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred House bill No. 137, "an act to authorize the issuing of executions in certain cases," have had the same under consideration, and instructed me to report it back with two amendments, and when so amended they respectfully recommend its passage.

Amend by inserting, in 1st line of 31 section, after the word "cal." the word "such."

Also, strike out the following words, in 2d line of 31 section, "perfect his appeal and."

The report was concurred in, the amendments adopted, and the bill ordered to a third reading on to-morrow.

Mr. March, from the committee on the judiciary, made the following report:

MR. PRESIDENT :

The committee on the judiciary, to whom was referred House bill No. 109, "an act to amend the 24th section of an act entitled 'an act regulating descents and the apportionment of estates,'" approved May 14, 1852, have had the same under consideration, and have directed me to report it back with the following amendments; after the adoption of which, they recommend its passage :

Amend by inserting, after the word "children," where it first occurs in the proviso, the words "or their descendants."

Amend by inserting, after the word "shall," in the next to the last line of the bill, the words "be held by her for life only, and shall."

The report was concurred in, the amendments adopted, and the bill ordered to a third reading on to-morrow.

Mr. March, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred Senate bill No. 105, "a bill defining misdemeanors and prescribing the punishment therefor," have had the same under consideration, and directed me to report the accompanying substitutes therefor, the passage of which they recommend, and also the indefinite postponement of the original bill.

Senate bill No. 105, contained in the foregoing report, was indefinitely postponed ; and

Senate bill No. 151. "A bill to prevent and punish prostitution and lewdness, and declaring buildings occupied or used for such purposes to be nuisances ;" and

Senate bill No. 155. "A bill to prevent the carrying of concealed weapons and prescribing the punishment therefor," reported by the committee as substitutes for Senate bill No. 105,

Were each read a first time and passed to a second reading.

Mr. Richardson, from the committee on county and township business, made the following report:

MR. PRESIDENT:

The committee on county and township business, to whom was referred Senate bill No. 76, "a bill to enable township trustees to purchase, condemn and hold lands for school purposes, to borrow money and mortgage lands to secure loans," have had the bill under consideration, and a majority of the committee, have instructed me to report the bill back, without amendment, and recommend its passage.

The report was concurred in, and Senate bill No. 76, contained in the foregoing report, was ordered to be engrossed and read a third time to-morrow.

#### REPORTS FROM SELECT COMMITTEES.

Mr. Wallace, from a select committee, made the following report:

MR. PRESIDENT:

The special committee, to whom was referred bill No. 60, "a bill providing for assignments in trust for the benefit of creditors, and regulating the mode of administering the same," have had the same under consideration, and respectfully return the bill with a recommendation that it be passed.

The report was concurred in, and Senate bill No. 60, contained therein, was ordered to be engrossed and read a third time to-morrow.

#### RESOLUTIONS.

Mr. Gooding offered the following resolution:

*Resolved*, That in the opinion of this Senate it is inexpedient to allow negroes or mulattoes to attend as scholars to the common schools of this State, or to give testimony in our courts of justice against white persons.

Mr. Suit moved to lay the resolution on the table.

The ayes and noes being demanded by Senators Wallace and Heffren,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Cronse, Drew, Ensey, Green, Griggs, Henry, Hill, Kinlev, March, Parker, Rice, Stevens, Suit, Thompson, Weir and Weston—24.

*Those who voted in the negative were,*

Messrs. Brown, Fisk, Freeland, Gooding, Hargrove, Heffren, Hostetler, Johnston, Mansfield, McClure, McLean, Richardson, Rugg, Sage, Slater of Dearborn and Wallace—16.

So the resolution was laid on the table.

On motion by Mr. March,

*Resolved*, That the Auditor of State be requested to inform the Senate at his earliest convenience what amounts have been allowed or paid to the late lessee of the State Prison, since the first day of September last, with the dates of each allowance or payment, upon whose authority or direction the same was made, specifying as to each allowance or payment, and on what account every such allowance or payment was made.

Mr. Fisk offered the following preamble and resolutions :

**WHEREAS**, It is rumored in various parts of the State that there is twenty door keepers and an equal number of clerks employed in and about the Senate, and for the purpose of ascertaining the facts, be it therefore,

*Resolved*, That the principal clerk and doorkeeper appear in person before the committee on finance at its first meeting after the adoption of this resolution, and report the exact number of assistants employed and their several duties.

*And be it further resolved*, That the several standing committees report to said committee on ways and means the number of clerks, and as near as can be the number of sitting each committee has had, and that said committee on finance report to the Senate on or before Thursday next at 2 o'clock P. M.

Which was agreed to.

Mr. Drew offered the following resolution :

*Resolved*, That the committee on elections be and are here-



by authorized to send for persons and papers in the contested case of J. S. Bobbs and Hon. J. Elliott.

Mr. Freeland moved to lay the resolution on the table.

The ayes and noes being demanded by senators Slater of Dearborn and Heffren,

*Those who voted in the affirmative were,*

Messrs Bearss, Blair, Brown, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, March, Mansfield, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston and Yaryan—25.

*Those who voted in the negative were,*

Messrs. Alexander, Burke, Drew, Fisk, Gooding, Hargrove, Heffren, Hostetler, Johnston, Miller, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington and Wallace—18.

So the resolution was laid on table.

Mr. Johnston offered the following resolution :

*Resolved*, That the further consideration of all matters now pending in the Senate relative to the right of any senator to his seat be postponed until next Saturday 10 o'clock.

Mr. Green moved to lay the resolution on the table.

The ayes and noes being demanded by senators Gooding and Hendry,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, March, Parker, Sage, Stevens, Suit, Tarkington, Thompson, Weir, Wilson and Yaryan—24.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Heffren, Hostetler, Johnston, Mansfield, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson and Wallace—17.

So the resolution was laid the table.

On motion by Mr. Ensey,

*Resolved*, That inasmuch as the Senate, at the last session, passed a resolution instructing the State Printer to bind in "calf," for the use of the president, members, and secretaries of the Senate, seventy copies of the Senate Journal and the Acts of the present General Assembly; therefore,

*Resolved*, That a committee of three be appointed to inquire into and report to the Senate, whether said Journals and Acts have been bound, as specified in the resolution, and if so, what disposition has been made of them.

Senators Ensey, Bearss and McLean were appointed said committee, in accordance with the resolution.

On motion by Mr. Weir,

*Resolved*, That no more bills shall be introduced into this Senate after to day, unless from some member of one of the standing committees, the committee having so directed.

On motion by Mr. Hostetler,

*Resolved*, That no senator shall be entitled to speak more than ten minutes to any one question, without the unanimous consent of the Senate.

#### JOINT RESOLUTIONS.

By unanimous consent,  
Mr. March introduced

Senate joint resolution No. 7. A joint resolution in favor of the admission of Kansas, as a free State, into the Federal Union.  
Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Wallace introduced

Senate joint resolution No. 8. A joint resolution on the subject of negro slavery, and the colonization of negroes and their mixed descen lents, slave and free.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Bobbs introduced

Senate joint resolution No. 9. A joint resolution directing the Auditor of State to take possession of the University Square, Indianapolis.

Which was read a first time and passed to a second reading.

By unanimous consent,  
The order of business was suspended, and,

Mr. Sage, from a select committee, made the following report :

MR. PRESIDENT :

The select committee, to whom was referred House bill No. 167, "a bill to apportion senators and representatives in the State of Indiana," have had the same under consideration, and have directed me to report it back and ask that it be laid, for the present, upon the table.

The report was concurred in and the bill laid on the table

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Drew introduced

Senate bill No. 156. A bill to enable cities to supply themselves with water.

Which was read a first time.

Mr. Drew moved to suspend the rules and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Freeland, Green, Griggs, Hargrove, Heffren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Miller, McClure, McLean, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Wallace, Weir and Weston—40.

Mr. Bearss voting in the negative.

So the rules were suspended, the bill read a second time by its title, and ordered to be engrossed and read a third time to-morrow.

By unanimous consent,  
Mr. Bobbs introduced

Senate bill No. 157. A bill for the establishment of normal schools and the organization of a State Board of Education, for the management of the same, and the diffusion of the general educational interests of the State.

Mr. Bobbs moved to suspend the rules and read the bill a second time now.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Bobbs, Burke, Chapman, Crane, Crouse, Drew, Ensey, Fisk, Freeland, Green, Heffren, Hendry, Hill, Hostetler, Kinley, March, Mansfield, McLean, Parker, Rice, Rugg, Sage, Stevens, Suit, Tarkington, Thompson, Weir, Weston and Yaryan—31.

*Those who voted in the negative were,*

Messrs. Gooding Hargrove, Johnston, McClure, Richardson and Wallace—6.

So the rules were not suspended.

By unanimous consent,  
Mr. March introduced

Senate bill No. 158. A bill to amend the 1st, 4th, and 5th sections of an act concerning interest on money, approved May 27, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Burke introduced

Senate bill No. 159. A bill to provide for the protection of telegraph lines, and the punishment of persons interfering therewith.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. March introduced

Senate bill No. 160. A bill to amend the 51st section of an act entitled "an act defining misdemeanors and prescribing punishment therefor;" approved June 14, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Freeland introduced

Senate bill No. 161. A bill to provide for a geological, mineralogical, chemical and agricultural survey of the State of Indiana.

Which was read a first time and passed to a second reading.

By unanimous consent,  
The order of business was suspended, and  
On motion by Mr. Heffren,

The following messages from the House were taken up :

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, viz :

No. 213. " A bill to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, to prescribe their powers and rights, and the manner in which they shall receive the same and to regulate such other matters as properly pertain thereto."

In which the concurrence of the Senate is respectfully requested.

Mr. Heffren moved to suspend the rules and read House bill No. 213, contained in the foregoing message, a first time by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Green, Hargrove, Heffren, Hill, Hostetler, Kinley, March, Mansfield, McClure, McLean, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Tarkington, Thompson, Wallace, Weir, Weston and Yaryan—35.

*Those who voted in the negative were,*

Messrs. Hendry and Johnston—2.

So the rules were suspended, and the bill read a first time by its title.

Mr. Heffren moved to suspend the rules and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were*

Messrs. Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Green,  
S. J.—39.

Griggs, Hargrove, Heffren, Hill, Hostetler, Kinley, March, Mansfield, McClure, McLean, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Thompson, Wallace, Weir, Weston, Wilson and Yaryan—37.

*Those who voted in the negative were,*

Messrs. Hendry and Johnston—2.

So the rules were suspended, and the bill read a second time by its title.

On motion by Mr. Heffren,  
The bill was referred to a select committee of five.

Messrs. Drew, Crane, Cravens, Bobbs and Weir were appointed said select committee.

By unanimous consent,  
Mr. Bobbs introduced

Senate bill No. 162. A bill authorizing non-resident railroad directors by railroad companies chartered by this State.

Which was read a first time and passed to a second reading.

On motion by Mr. McLean,  
The order of business was suspended, and

House bill No. 333. A bill to authorize the Treasurer of State, to buy for the State lands sold on execution or by order of court, and to sell the same and to execute deeds therefor, and to legalize purchases and sales already made in similar cases,

Was taken from the files and read a second time.

Mr. McLean moved to suspend the rules and read the bill a third time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Bearss, Bobbs, Brown, Burke, Chapman, Crane, Cravens, Cronse, Drew, Ensey, Fisk, Green, Griggs, Heffren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Miller, McClure, McLean, Parker, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Thompson, Wallace, Weir, Weston, Wilson and Yaryan—38.

*Those who voted in the negative were,*

Messrs. Cooper, Freeland, Hargrove and Richardson—4.

So the rules were suspended and the bill read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Crouse, Drew, Ensey, Fisk, Freeland, Hargrove, Heffren, Hendry, Hostetler, Johnson, Kinley, Mansfield, Miller, McClure, McLean, Parker, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Wallace, Weston, Wilson and Yaryan—38.

*Those who voted in the negative were,*

Messrs. Gooding, Green, Hill, March, Richardson and Weir—6.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

By unanimous consent,  
Mr. Freeland introduced

Senate bill No. 163. A bill for the taxation of brokers.  
Which was read a first time and passed to a second reading.

On motion by Mr. Rugg,  
The order of business was suspended, and,  
Mr. Rugg offered the following resolution:

*Resolved,* That the select committee to whom was referred the bill of the House of Representatives for the incorporation of cities, be enlarged so as to embrace one senator from each of the city districts of the State.

Which was agreed to.

Messrs. Heffren, McLean, Burke, Crouse and Rugg were accordingly added to the select committee referred to in the resolution.

On motion by Mr. Hendry,  
The order of business was suspended, and

The vote on the final passage of Senate bill No. 148. An act to provide for the erection of a suitable building for executive and

other officers of the State, supreme court room, supreme court clerk's office, Attorney General, &c., was reconsidered.

# ORDERS OF THE DAY.

## *Senate Bills on third reading.*

Senate bill No. 70. A bill to provide for the subscription of the statutes of Indiana, and to provide for the payment thereof.

Was read a third time.

Mr. Hostetler moved to recommit the bill with instructions to so amend as to allow each individual to subscribe for as many volumes as he may want; and to strike out all that relates to the subscribing by the State Librarian for any of said volumes for the use of the State.

On motion by Mr. Suit,

The motion to recommit with instructions was laid on the table.

Pending the consideration of the bill,

On motion by Mr. Brown,

The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

Mr. Weir, chairman of the committee on enrolled bills, made the following report:

**MR. PRESIDENT:**

The committee on enrolled bills, to whom was referred Senate bill No. 102, a bill to amend section 25 of "an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the condition of said grant, approved May 29th, 1852, and also to facilitate the ditching and draining of swamp lands and to provide for the payment thereof in certain cases therein mentioned," have compared the enrolled with the engrossed bill and find the same to be a true copy thereof.



On motion by Mr. Drew,  
A call of the Senate was ordered.

The secretary proceeded with the call.

Whereupon, it being found that all the senators were in their seats, except those who had been previously excused;

On motion by Mr Gooding,  
The further call of the Senate was suspended.

The question pending at the adjournment was on the final passage of Senate bill No. 70.

Mr. Cravens moved to recommit the bill to a select committee of three, with instructions to inquire, if a smaller contribution on the part of the State will not enable the publisher to complete and publish the same; and if so, to amend the bill accordingly.

Which was agreed to.

Messrs. Wallace, Suit, and Hostetler were appointed said select committee.

Mr. Yaryan moved to suspend the order of business to give the committee on elections leave to make report.

The ayes and noes being demanded by senators Yaryan and Murray,

*Those who voted in the affirmative were,*

Messrs Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Stevens, Suit, Thompson, Weir, Weston and Yaryan—25.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Heffren, Hostetler, Johnston, Mansfield, Miller, McCleary, McClure, McLean, Richardson, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace and Wilson—22.

So the order of business was suspended, and

Mr. Yaryan, from the committee on elections, made the following report:

MR. PRESIDENT:

The committee on elections, to whom was referred the resolution of the Senate requesting said committee to report, at their earliest

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convenience, on the contested seats in the Senate from the counties of Rush, Marion and Fountain, have had the same under consideration and directed me to make the following report:

In the case of Elliott, contestor, and Bobbs, contestee, there has been no evidence whatever taken by either party. The legal presumptions are in favor of the regularity of Mr. Bobbs' election, and as the contestor has introduced no proof to rebut these presumptions, the committee report that he is the legally elected senator from the county of Marion, and entitled to the seat now occupied by him.

In the case of Philip Myer, contestor, and I. A. Rice, contestee, the committee have examined all the evidence taken by the parties. They find that the grounds of contest are not sustained. Much of the evidence is wholly incompetent and inadmissible; but after giving it all the weight which could be claimed for it by the contestor, they were compelled to come to the above conclusion.

They therefore report that Isaac A. Rice is the legally elected senator from the county of Fountain, and entitled to the seat now occupied by him.

In the case of John L. Robinson, contestor, and Stanley Cooper, contestee, the certified copy of the tabular statement of the vote of the county of Rush, at the general election, held on the 14th day of October, 1856, and of the certificate of the board of canvassers of said election, shows that Stanley Cooper received 1,813 votes, and William Bracken 1,713 votes, for the office of senator in the General Assembly from the county of Rush, at said election, being a majority of one hundred in favor of Mr. Cooper.

There is no evidence before your committee impairing the regularity or legality of this election.

The evidence which has been filed before your committee by the contestor, neither establishes any irregularity in the conduct of any officer of the board of judges or canvassers of said election, or the casting of illegal votes for the contestee at said election, at least to an extent to affect the result in the slightest degree.

The principle to all these cases is, that the presumptions of the law are all in favor of the regularity of the elections, of the legality of the votes cast at said elections, and of the correctness of the returns; and to overcome these presumptions, it is necessary for the contestors to produce legal and satisfactory evidence.

They therefore report, that Stanley Cooper is the legally elected senator from the county of Rush, and entitled to the seat now occupied by him.

Your committee recommend the adoption of the following resolutions:

*Resolved*, That Stanley Cooper is the legally elected senator from the county of Rush, and entitled to the seat now occupied

by him until the expiration of the term of service for which he was elected.

*Resolved*, That John S. Bobbs is the legally elected senator from the county of Marion, and entitled to the seat now occupied by him until the expiration of the term of service for which he was elected.

*Resolved*, That Isaac A. Rice is the duly elected senator from the county of Fountain, and is entitled to the seat now occupied by him until the expiration of the term of service for which he was elected.

On motion by Mr. Yaryan,

The report was laid on the table and made the special order for to-morrow, at 10 o'clock, A. M.

On motion by Mr. Gooding,

The committee of the whole was discharged from the further consideration of Senate bill No. 110, "a bill to regulate and restrain the sale and disposal of spirituous liquors; to prevent drunkenness and crime, and to prevent the same, and to repeal all former laws conflicting with the provisions of this act."

#### HOUSE BILLS ON THIRD READING.

House bill No. 129. An act to provide for the government and discipline of the State Prison, and to repeal an act to provide for the government and discipline of the State Prison, approved March 3d, 1855, and all other laws or parts of laws inconsistent herewith;

Was read a third time.

Mr. Hendry moved to recommit the bill, with instructions "to make the salary of the board of directors six hundred dollars;"

Which was not agreed to.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Bobbs, Brown, Burke, Cooper, Crane, Crouse, Drew Fisk, Freeland, Gooding, Griggs, Haigrove, Heffren, Hill, Johnston, Kinley, Mansfield, Miller, McClure, McLean, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Tarkington, Wallace, Weir, Weston, Wilson and Yaryan—34.

*Those who voted in the negative were,*

Messrs. Alexander, Bearss, Blair, Chapman, Ensey, Green, Hendry, Hostetler, March, Murray, Suit and Thompson—12.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

On motion by Mr. Freeland,  
The order of business was suspended, and  
Mr. Freeland, from a select committee, made the following report:

*[This report is lost or mislaid.]*

Senate bill No. 164. A bill for the protection of the people against incompetency and recklessness on the part of practitioners of medicine and surgery, and of the apothecaries art," contained in the foregoing report,

Was read a first time and passed to a second reading.

The order of business was suspended.

Mr. Wallace, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was recommitted Senate bill No. 70, "a bill to provide for the subscription to the statutes of Indiana, and to provide for the payment therefor," with instructions to inquire if a similar contribution on the part of the State, will not enable the publisher to complete and publish the same, and if so, to amend the bill accordingly, have had the same under consideration, and beg leave to report the following amendment in accordance with the instructions, recommending the adoption of the same, and the passage of the bill as amended.

Amend the bill so as to authorize the Librarian to subscribe for five hundred copies of said work, &c.

Mr. Slater of Dearborn moved to lay the bill and pending amendments on the table.

Which was not agreed to.

The report was concurred in, and the amendments adopted.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Burke, Crane, Cravens, Crouse, Drew, Green, Heffren, Kinley, Miller, Parker, Rugg, Sage, Stevens, Suit, Weir and Yaryan—16.

*Those who voted in the negative were,*

Messrs. Alexander, Bearss, Blair, Brown, Chapman, Cooper, Ensey, Fisk, Freeland, Gooding, Griggs, Hargrove, Hendry, Hill, Hostetler, Johnston, March, Mansfield, Murray, McClure, McLean, Richardson, Rice, Slater of Dearborn, Slater of Johnson, Tarkington, Thompson, Wallace, Weston and Wilson—29.

So the bill did not pass.

By unanimous consent,  
The order of business was suspended, and  
Mr. Bobbs, from a select committee, made the following report.

MR. PRESIDENT :

The select committee, to whom was referred Senate bill No. 103, "a bill to provide for the redemption and purchase of bank bonds, and Indiana and other State stocks, and United States stocks, providing for the manner of doing the same, and defining the duties of certain officers in connection therewith," with pending amendments, have had the same under consideration, and directed me to report the same back with sundry amendments, and when so amended, recommend its passage.

Amend section 7, line 5, after the word "deemed," strike out all to the word "punishable" in the same line, and insert in lieu thereof "a felony."

Also, strike out all after the word "punishable," in the same section, and insert in lieu thereof, "by imprisonment in the State prison for a length of time not less than two years nor more than ten years."

Section 9, line 7, strike out the word "incidental."

Also, insert after the word "provided" in the same line, the words, "they shall be paid the amount now allowed by law."

The report was concurred in, and the amendment adopted.

On motion by Mr. Bobbs,  
The bill was further amended as follows :

In section 9, line 7, after the word "provided," insert, "they shall be paid four dollars each per day while in actual service."

Also, strike out "said commissioners," and insert in lieu thereof the words "and they."

Add to the 14th section the words "and for compensation for their services they shall each receive four dollars per day while in actual service."

Amend section I. In line 5, strike out "authorizing the establishment of," and insert, after the word "loan," "authorized by the act creating."

Sec. 16. Insert, after the words "a like bond," the words "of fifty thousand dollars."

On motion by Mr. Bobbs,  
The bill was laid on the table.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to bring to the Senate, for the signature of the president thereof, enrolled bill of the House,

No. 125. An act to vest certain rights in married women whose husbands have left the State without making suitable provisions for their maintainance, or whose husbands are confined in the State Prison.

The President signed the bill.

House bill No. 88. An act for the incorporation and continuance of building, loan fund and savings associations ;

Was read a third time.

The question being shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Gooding, Green, Griggs, Hargrove, Heffren, Hendry, Hill, Johnston, Kinley, March, Murray, McClure, McLean, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Stevens, Suit, Tarkington, Thompson, Wallace, Weir, Weston, Wilson and Yaryan—42.

*Those who voted in the negative were,*

Messrs. Hostetler and Mansfield—2.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

By unanimous consent,  
The order of business was suspended, and  
Mr. McLean introduced

Senate bill No. 165. A bill to authorize the appointment of a commissioner to take charge of the estate of any person who shall have absconded or absented himself, or shall have been absent from his family, or last or usual place of residence, or of doing business for six months without having been heard from during that time, and without the reason for his absence and the place of his sojourn or travel being known, or whether he be dead or alive, and prescribing the duties and powers of such commissioner, and the effect of his proceedings in the premises.

Which was read a first time and passed to a second reading.

House bill No. 75. A bill to amend the 23d section of an act entitled "an act concerning trespassing animals and partition fences;"

Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crouse, Drew, Ensey, Fisk, Freeland, Gooding, Green, Heffren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Miller, McClure, Parker, Rice, Rugg, Sage, Stevens, Tarkington, Thompson, Weir, Weston, Wilson and Yaryan—35.

*Those who voted in the negative were,*

Messrs. Hargrove and Richardson—2.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

House bill No. 3. "An act to repeal an act approved February 16th, 1855, relatives to the manufacture and sale of spirituous and intoxicating liquors."

Was read a third time.

Mr. Parker moved to lay the bill on the table.

The ayes and noes being demanded by senators Drew and Weir,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper,

Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Johnston, Kinley, March, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston and Yaryan—28.

*Those who voted in the negative were,*

Messrs. Alexander, Drew, Fisk, Gooding, Hargrove, Heffren, Hostetler, Mansfield, Miller, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Tarkington, Wallace and Wilson—17.

So the bill was laid on the table.

House bill No. 160. An act to provide for the support of indigent blind and other infirm persons.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Green, Griggs, Hargrove, Hendry, Hill, Hostetler, Kinley, March, Miller, McClure, McLean, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Stevens, Suit, Tarkington, Thompson, Wallace, Weir, Weston, Wilson and Yaryan—39.

*Those who voted in the negative were,*

Messrs. Bearss, Heffren and Mansfield—3.

So the bill passed.

*Ordered,* That the secretary inform the House thereof.

Mr. Parker moved that the vote on the final passage of House bill No. 129, an act to provide for the government and discipline of the State prison, and to repeal an "act to provide for the government and discipline of the State prison, approved March 3, 1855, and all other laws or parts of laws inconsistent herewith," be reconsidered.

The ayes and noes being demanded by senators Heffren and Crane,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Chapman, Cooper, Ensey, Freeland, Green, Griggs, Hargrove, Hendry, Hostetler, Kinley, March, Parker, Richardson, Sage, Thompson, Wallace and Yaryan—21.



*Those who voted in the negative were,*

Messrs. Brown, Burke, Crane, Cravens, Crouse, Drew, Fisk, Gooding, Heffren, Hill, Johnston, Mansfield, Miller, McClure, McLean, Rice, Rugg, Stevens, Suit, Tarkington, Weir, Weston and Wilson—23.

So the vote was not reconsidered.

Mr. Wallace moved to suspend the order of business to receive a report from the select committee heretofore appointed to consider the appraisement bill.

Which was not agreed to.

House bill No. 169. A bill to amend an act entitled "an act to provide for the erection and repair of bridges," and to repeal an act entitled "an act to provide for the erection and repair of bridges ; approved March 3, 1855 ;

Was read a third time.

The question being shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Burke, Chapman, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Green, Griggs, Hargrove, Hill, Hostetler, Johnston, March, McClure, McLean, Parker, Rice, Sage, Suit, Tarkington, Weir, Weston and Yaryan—28.

*Those who voted in the negative were,*

Messrs. Fisk, Gooding, Heffren, Hendry, Kinley, Mansfield, Miller, Richardson, Rugg, Slater of Dearborn, Thompson and Wallace—12.

So the bill passed.

*Ordered,* That the secretary inform the House thereof.

House bill No. 46. A bill for the improvement of agriculture and to enable persons owning swamp or overflowed lands to drain the same ;

Was read a third time.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Brown, Burke, Chapman, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Gooding,

Green, Griggs, Hargrove, Heffren, Hill, Kinley, March, Mansfield, McLean, Parker, Richardson, Rice, Rugg, Sage, Tarkington, Weir, and Weston—31.

*Those who voted in the negative were,*

Messrs. Johnston, Suit, Thompson, Wallace and Wilson—5.

So the bill passed.

*Ordered,* That the secretary inform the House thereof.

House bill No. 117. An act to amend the 9th section of an act entitled "an act regulating the fees of officers and regulating former acts in relation thereto ; approved March 2, 1855.

Was read a third time.

The question being shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Burke, Chapman, Cravens, Crouse, Drew, Fisk, Freeland, Gooding, Green, Hargrove, Hendry, Hill, Johnston, Kinley, March, McClure, McLean, Rice, Thompson, Wilson and Yaryan—25.

*Those who voted in the negative were,*

Messrs. Brown, Crane, Drew, Ensey, Griggs, Heffren, Hostetler, Mansfield, Miller Parker, Richardson, Rugg, Sage, Slater of Dearborn, Suit, Tarkington, Wallace and Weir—18.

So the bill did not pass for the want of a constitutional majority.

By unanimous consent,

The order of business was suspended, and

Mr. March introduced

Senate bill No. 166. A bill to fix the time of holding the courts in the county of Delaware, and to repeal all laws inconsistent therewith.

Which was read a first time and passed to a second reading.

On motion by Mr. Bobbs,

Senate bill No. 103. A bill to provide for the redemption or purchase of the bank bonds, and Indiana and other State stocks, and the United Statse stocks, providing for the manner of doing the

same and defining the duties of certain officers in connection therewith,

Was taken from the table, ordered to be engrossed and read a third time on to-morrow.

#### SENATE BILLS ON SECOND READING.

Senate bill No. 145. A bill legalizing the acts of the Terre Hante Draw-bridge Company, in organizing under the general law relative to bridge companies, electing directors and constructing an embankment;

Was read a second time, and ordered to be engrossed and read a third time to-morrow.

Senate bill No. 144. A bill to provide for the election of United States Senators in pursuance of the constitution of the United States, and defining the manner and time of conducting such election;

Was read a second time, and,

On motion by Mr. Burke,

Referred to the committee on elections.

Senate bill No. 146. A bill to abolish township boards and transfer the public business with which they have been charged to other officers as therein provided; to provide for districting township into school districts and provide for electing one school district director in each district;

Was read a second time, and,

On motion by Mr. Slater of Dearborn,

Referred to the committee on county and township business.

Senate bill No. 137. A bill to regulate the transportation of negroes and mulattoes upon railroads, to prevent the escape of fugitive slaves;

Was read a second time.

Mr. Heffren moved to refer the bill to a select committee of five. Which was not agreed to.

On motion by Mr. Slater of Dearborn,

The bill was laid on the table.

Senate bill No. 138. A bill to amend "an act to incorporate the Lafayette Hydraulic Company," approved June 6, 1847, so as to extend the time;

Was read a second time, and ordered to be engrossed and read a third time on to-morrow.

Senate bill 139. A bill providing for the election, and prescribing certain duties of county surveyor, fixing his compensation, in

certain cases, and providing a fee for county recorders in recording transcripts of surveys, and repealing "an act providing for the election and prescribing certain duties of county surveyor," approved June 17, 1852;

Was read a second time, and,

On motion by Mr. Burke,

Referred to the committee on county and township business.

Senate bill No. 133. A bill providing fees for county auditors and to repeal the 8th section of an act entitled "an act regulating the fees of officers, and repealing former laws in relation thereto;" approved March 2, 1855;

Was read a second time, and ordered to be engrossed and read a third time on to-morrow.

Senate bill No. 140. A bill districting the State for the purpose of electing five judges of the supreme court;

Was read a second time, and,

On motion by Mr. Hostetler,

Referred to the committee on the organization of courts.

Senate bill No. 134. An act to amend the 655th section of an act entitled "an act to revise, simplify, and abridge the rules, practice, pleadings and forms, in civil cases, in the courts of this State, to abolish distinct forms of action at law, to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852;

Was read a second time and ordered to be engrossed and read a third time to-morrow.

Senate bill No. 135. An act to amend the 1st section of an act entitled "an for the protection of sheep;" approved June 15, 1852;

Was read a second time, and ordered to be engrossed and read a third time to-morrow.

Senate bill No. 141. "A bill to amend an act to exempt property from sale in certain cases;" approved February 17, 1852;

Was read a second time, and ordered to be engrossed and read a third time to-morrow.

Senate bill No. 143. "A bill forbidding persons holding office in any other banking institution, to hold office or discharge the duties of any office or appointment in the State bank of Indiana, or any of its branches, and prescribing the penalty for violating the same ;

Was read a second time, and,

On motion by Mr. Burke,

Referred to the committee on banks.

By unanimous consent,

The order of business was suspended, and

Mr. Hostetler offered the following resolution :

*Resolved*, That the committee on county and township business be requested to return to the Senate, bill No. 57 thereof.

Which was agreed to.

Senate bill No. 125. A bill to amend the 78th section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings, and forms in criminal cases, in the courts of this State," approved June 17, 1852;

Was read a second time, and,

On motion by Mr. Heffren,

Referred to the committee on the organization of courts

Senate bill No. 126. A bill to provide for the printing and distribution of acts of the General Assembly;

Was read a second time, and ordered to be engrossed and read a third time to-morrow.

Senate bill No. 127. A bill to amend section 5th of an act prescribing the manner of empanneling petit jurors, the number and compensation thereof; approved May 20, 1852;

Was read a second time, and,

On motion by Mr. Heffren,

Referred to the committee on the organization of courts.

#### HOUSE BILLS ON SECOND READING.

No. 177. An act to authorize the empannelling of petit juries in the court of common pleas, and to repeal an act therein named;

Was read a second time, and,

On motion by Mr. Gooding,

Referred to the committee on the judiciary.

No. 52. An act to amend the 31st section of an act entitled "an act dividing the State into counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers," approved June 7, 1852, so as to rectify an error in the boundary of Harrison county;

Was read a second time and ordered to a third reading on to-morrow.

House bill No. 118. An act to enable the common councils of the several incorporated cities of this State, to prescribe, by ordinance, the time within which the annual assessments for city purposes shall be made, and the rolls thereof returned, and the time within which the city tax rolls or duplicates shall be made and delivered to the collecting officers, and also the time within which such collecting officers shall make their returns;

Was read a second time, and,

On motion by Mr. Drew,

Referred to the committee on corporations.

On motion by Mr. Murray,

Senate bill No. 69. A bill for the relief of Isaac Sitzler of Hardin county, Kentucky,

Was taken from the table and placed on file.

House bill No. 90. An act entitled "an act to amend the 1st section of an act prescribing the powers and duty of Auditor of State;"

Was read a second time and ordered to a third reading on to-morrow.

House bill No. 176. An act to repeal "an act to incorporate the town of Vernon;"

Was read a second time, and,

On motion by Mr. Wilson,  
Indefinitely postponed.

House bill No. 183. An act to amend section 68 of an act entitled "an act to revise, simplify and abridge the rules, practice pleadings and forms in criminal cases in the courts of this State;" approved June 17, 1852;

Was read a second time and ordered to a third reading on to-morrow.

House bill No. 105. An act to provide for the sale of school lands in certain cases therein mentioned;

Was read a second time and ordered to a third reading on to-morrow.

House bill No. 59. A bill legalizing the acknowledgment of all deeds, mortgages and other instruments required to be recorded, taken and certified by the clerks of the circuit courts of this State after the reception of the revised statutes of 1852 in their respective counties;

Was read a second time and ordered to a third reading on to-morrow.

No. 188. A bill to amend section 4th of an act entitled an act prescribing the powers and duties of coroners; approved May 27, 1852;

Was read a second time and ordered to a third reading on to-morrow.

Bill No. 192. An act to amend section 315 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to establish distinct forms of action at law and to provide for the administration of jus-

tice in a more uniform mode of pleading and practice without distinction between law and equity ;

Was read a second time, and,

On motion by Mr. March,

Referred to the committee on the judiciary.

No. 68. An act to amend section 136 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity;" approved June 18, 1852 ;

Was read a second time, and,

On motion by Mr. Heffren,

Referred to the committee on the judiciary.

House bill No. 179. An act to legalize the salaries of the judges of the supreme court ;

Was read a second time and ordered to a third reading on tomorrow.

No. 178. An act to prevent emigration from one county in this State to another for the purpose of influencing or carrying the election in such other county and prescribing penalty against persons aiding, abetting, counseling or engaged therein ;

Was read a second time, and,

On motion by Mr. Gooding,

Referred to the committee on elections.

Bill No. 225. An act to provide for the distribution of the surplus copies of the revised statutes of 1852. printed in the German language ;

Was read a second time and ordered to a third reading on tomorrow.

House joint resolution No. 11. A joint resolution relative to the distribution of arms by the general government among the States ;

Was read a second time, and,

On motion by Mr. Murray,

Referred to the committee on military affairs.

House bill No. 148. An act to amend an act entitled "an act concerning licenses to vend foreign merchandize, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legerdemain," approved June 15, 1852, and for the encouragement of agriculture ;

Was read a second time, and,

On motion by Mr. Richardson,

Referred to the committee on agriculture.

House bill No. 162. A bill for the creation of townships, election of trustees, and mode of assessing township tax and doing township business ;

Was read a second time, and,

On motion by Mr. Richardson,

Referred to the committee on county and township business.

House bill No. 156. A bill for the relief of John M. Shiry ;

Was read a second time and ordered to a third reading on tomorrow.

House bill No. 211. A bill authorizing the recording of patents for lands and making such records evidence and allowing recorders fees for recording the same ;

Was read a second time and ordered to a third reading on tomorrow.

House bill No. 122. A bill to amend the 49th section of an act entitled " an act to provide for the opening, vacating and change of highways ; approved June 17, 1852 ;

Was read a second time and ordered to a third reading on tomorrow.

Bill No. 134. A bill to amend the 1st section of an act entitled " an act providing for the incorporation of bridge companies, approved March 9, 1852, so as to authorize bridge companies to construct embankments across low bottoms, receive toll and obtain the right of way ;"

Was read a second time, and,

On motion by Mr. Heffren,

Referred to the committee on corporations.

No. 185. An act to relieve Nathan Rowley of Vanderburgh county, from the consequences of certain legal proceedings had and a judgement rendered in the Vanderburgh circuit court at the September term of said court in the year 1847, in an action wherein the State of Indiana, on the relation of Brackett Mills, school commissioner, was plaintiff, and the said Nathan Rowley, former school commissioner, and sundry other persons his sureties as such, were defendants ;

Was read a second time and ordered to a third reading on tomorrow.

No. 224. An act for the relief of persons who have borrowed money from the sinking fund of this State ;

Was read a second time and ordered to a third reading on tomorrow.

No. 150. An act to regulate the business of insurance compa-



nies not incorporated by the State of Indiana, to punish the violation of its provisions, and to repeal all previous enactments in regard to such companies ;

Was read a second time, and,

On motion by Mr. Crane,

Referred to the committee on corporations.

No. 272. An act to prevent market houses from being built upon the streets of towns and cities, without the consent of two-thirds of the owners of the lots on such streets, and to authorize the removal of the same;

Was read a second time and ordered to a third reading on tomorrow.

No. 320. An act providing for transfers of scholarships in the Indiana University, for valuable consideration ;

Was read a second time and ordered to a third reading on tomorrow.

House joint resolution No. 16. A joint resolution in reference to the management of the public property of the State of Indiana ;

Was read a second time and ordered to a third reading on tomorrow.

House bill No. 8. A bill to compel railroad companies to keep an office within this State, and allowing process to be issued in any county through which any such railroad passes, and allowing railroad companies to change their roads under certain restrictions ;

Was read a second time, and,

On motion by Mr. Rice,

Referred to a select committee of three.

Messrs. Rice, Drew and Ensey were appointed said select committee.

House bill No. 242. A bill to enable the different counties in the State having a swamp land fund, to ascertain and use the amount thereof for the purpose of ditching the swamp lands therein;

Was read a second time, and,

On motion by Mr. Green,

Referred to the committee on phraseology and arrangement of bills.

House bill No. 263. A bill declaring John O'Brien a brother of Micheal O'Brien deceased, and the children of a deceased sister of

Michael O'Brien deceased, heirs at law of the said Micheial O'Brien deceased, and capable of inheriting his real estate in Indiana;

Was read a second time, and,

On motion by Mr. Rugg,

Referred to a select committee of three.

Messrs. Rugg, Heffren and Hill were appointed said select committee.

House bill No. 271. An act to amend an act entitled "an act to incorporate the South Bend Manufacturing Company," approved December 28, 1842, so as to repeal so much of section seven of said act as requires said company to keep up and maintain a lock at the dam on the St. Joseph river;

Was read a second time, and,

On motion by Mr. Gooding,

Referred to the committee on corporations.

House bill No. 270. A bill act to amend section 6 of an act entitled "an act to incorporate the St. Joseph Iron Company," approved Jan. 22, 1835, and to repeal of said act sections 78, 910, 11 and 12, whereby said company will be released from the obligation to keep up and maintain a lock at their dam on the St. Joseph river, at Mishawaka;

Was read a second time and ordered to a third reading on tomorrow.

House bill No. 66. An act for the investment and safe-keeping of the school fund from the 114th section of an act establishing a State bank, approved January 28, 1834, and for the election of sinking fund commissioners, and prescribing their duties;

Was read a second time, and,

On motion by Mr. March,

Referred to the committee on finance.

House bill No. 76. An act to authorize the board of county commissioners to allow a compensation to circuit judges, or other persons duly authorized, for holding adjourned or special sessions of their court, and to give a speedy public trial to all persons who may be charged with felony in this State, and imprisoned therefor in the county jail.

Was read a second time and ordered to a third reading on tomorrow.

House bill No. 71. A bill to change and fix the time for holding the several circuit courts in the third judicial circuit;

Was read a second time and ordered to a third reading on tomorrow.

No. 267. A bill to enable railroad companies to alter the line of railroads, when sufficient stock cannot be raised to complete the same according to the original design thereof;

Was read a second time, and,

On motion by Mr. Rice,

Referred to a select committee of three.

Messrs. Rice, Drew and Ensey were appointed said select committee.

Bill No. 175. An act proposing to amend the 2d section of article 2 of the constitution of the State of Indiana;

Was read a second time.

Mr. Yaryan moved to amend the by striking out "one year," and inserting "five years."

Pending the consideration of the amendment,

On motion by Mr. Murray,

The Senate adjourned.

WEDNESDAY MORNING, 9 o'clock, }  
March 4, 1857. }

The Senate met.

The reading of the journal was dispensed with.

On motion by Mr. Crane,

Two hundred copies of the report of the commissioners of the sinking fund, presented on yesterday, was ordered to be printed for the use of the Senate.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Murray, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred House bill

No. 192, "an act to amend section 315 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," have had the same under consideration and respectfully recommend its passage.

The report was concurred in and the bill ordered to a third reading on to-morrow.

Mr. Crouse, chairman of the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred House bill No. 150, being "an act to regulate the business of insurance companies not incorporated by the State of Indiana, to punish the violations of its provisions, and to repeal all previous enactments in regard to such companies," have had the same under consideration and directed me to report the same back and recommend its passage.

The report was concurred in and the bill ordered to a third reading on to-morrow.

Mr. Rugg, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred House bill No. 134, "an act to amend the 1st section of an act entitled an act providing for the incorporation of bridge companies, approved March 9th, 1852, so as to authorize bridge companies to construct embankments across low bottoms, receive toll and obtain the right of way," have had the same under consideration, and direct me to report the same back and recommend its passage.

The report was concurred in and the bill ordered to a third reading on to-morrow.

Mr. Drew, chairman of the committee on military affairs, made the following report:

MR. PRESIDENT:

The committee to whom was referred joint resolution No. 11, requesting of the General Government a distribution to Indiana of

her proportion of the public arms of the latest improved construction, having given the subject their profound consideration, instruct me to report the same back and recommend its passage.

The report was concurred in, and House joint resolution No. 11, contained in the foregoing report, ordered to a third reading on tomorrow.

Mr. Johnston, from the committee on benevolent institutions, made the following report :

MR. PRESIDENT :

The committee on benevolent institutions have directed me to report the following bill and recommend its passage .

Senate bill No. 167. A bill to provide a site, system of government, and plan for the erection of a State House of Refuge, for the correction and reformation of juvenile offenders, and to repeal an act on the same subject, approved March 3, 1855.

Senate bill No. 167, accompanying the foregoing report,  
Was read a first time.

Mr. Johnston moved to suspend the rules and read the bill a second time now.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Bobbs, Brown, Burke, Chapman, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Green, Griggs, Hargrove, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Miller, Murray, McClure, McLean, Parker, Richardson Rice, Rugg, Sage, Slater of Dearborn, Stevens, Suit, Tarkington, Thompson, Wallace, Weir, Weston, Wilson, and Yaryan—42.

No senator voting in the negative.

So the rules were suspended and the bill read a second time by its title.

Mr. Richardson, from the committee on agriculture, made the following report :

MR. PRESIDENT :

The committee on agriculture, to whom was referred House bill

No. 148, "a bill to amend the first section of an act entitled "an act concerning license to vend foreign merchandize, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show, and legerdemain," approved June 15, 1852, and for the encouragement of agriculture, have had the same under consideration, and have directed me to report the same back, without amendment, and recommend its passage.

The report was concurred in, and House bill No. 148, contained in the foregoing report, ordered to a third reading on to-morrow.

Mr. Green, from the committee on the phraseology and arrangement of bills, made the following report :

MR. PRESIDENT :

The committee, to whom was referred House bill No. 242, "a bill to enable the different counties in the State, having a swamp land fund, to ascertain and use the amount thereof, for the purpose of ditching the swamp lands therein," have had the same under consideration, and have directed me to report the same back and recommend its passage.

The report was concurred in, and,

On motion by Mr. Green,  
The bill was read a third time.

The question being shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Brown, Chapman, Cooper, Crane, Crouse, Drew, Ensey, Fisk, Freeland, Green, Griggs, Hargrove, Heffren, Hendry, Hill, Hostetler, Kinley, March, Mansfield, Miller, Murray, McCleary, McClure, McLean, Parker, Richardson, Rice, Rugg, Sage, Stevens, Suit, Tarkington, Thompson, Weir, Weston, Wilson and Yaryan—41.

Mr. Johnston voting in the negative.

So the bill passed.

*Ordered,* That the secretary inform the House thereof.

Mr. Blair, chairman of the committee on county and township business, made the following report :

MR. PRESIDENT :

The committee on county and township business, to whom was

directed a resolution of the Senate requesting the return of Senate bill No. 57, "a bill to amend the 15th, 18th, and 25th sections of an act entitled 'an act to provide for the opening, vacating, and changing of highways,' approved June 15th, 1852, and to repeal sections 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37 and 38 of said act, and also to repeal sections 13, 14 and 18 of an act entitled 'an act for the more uniform mode of doing township business,'" hereby gladly avail themselves of the opportunity to return the same.

Senate bill No. 57, contained in the foregoing report, was ordered to be engrossed and read a third time to-morrow.

#### REPORTS FROM SELECT COMMITTEES.

Mr. Rice, from a select committee, made the following report:

MR. PRESIDENT:

The special committee, to whom was referred House bill No 267, "a bill to enable railroad companies to alter the line of railroads, when sufficient stock cannot be raised to complete the same according to the original design thereof," have had the same under consideration, and have directed me to report the same back without amendment, and respectfully recommend its passage.

The report was concurred in, and House bill No 267, contained therein, was ordered to a third reading on to-morrow.

A message from the House by Mr. Bowes, their clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has receded from its refusal to concur in the first engrossed amendment of the Senate to House bill No. 84, viz: "A bill to amend the 31st section of an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11, 1855; and the House has concurred in the same, with an engrossed amendment thereto, in which the concurrence of the Senate is respectfully requested: •

Amend by inserting in the bill the words, "the lein for," before the word "that."

Mr. Tarkington, from the committee of free conference, appointed by the Senate, made the following report:

MR. PRESIDENT :

The committee of free conference appointed to take into consideration the disagreeing vote of the two houses upon the first amendment of the Senate to House bill No. 84, "an act to amend the 31st section of an act for the incorporation of towns, defining their powers, providing for the officers thereof, and declaring their duties; approved June 11th, 1852, have had the same under consideration and direct me to report, that the words "the lien for," be inserted for the word "that" in the first line of said amendment.

The report was concurred in and the amendments adopted.

*Ordered*, That the Secretary inform the House thereof.

Mr. Tarkington, from a select committee, made the following report :

MR. PRESIDENT :

The select committee to whom was referred House bill No. 21. "A bill to appraise the real estate of the State of Indiana, and to make such appraisement uniform throughout the State," with instructions, have had the same under consideration and have directed me to report, that they have amended said bill as instructed, by striking out all after the enacting clause, and inserting the amended Senate bill No. 18, "A bill to provide for the appraisement of real property and prescribing the duties of officers in relation thereto," as a substitute therefor; and after so amending, recommend its passage.

The report was concurred in and the amendment adopted.

Mr. Cravens moved to recommit the bill to a select committee with instructions to amend the bill so as to require the reappraisement to be entered on the tax duplicates for this year.

Which was not agreed to.

Mr. Stevens moved to recommit the bill to the committee on finance, with instructions to amend so as to make the appraisement list of the taxable real property of this State, made under the authority of an act, entitled an act, to appraise the real estate of this State, and to make the value of the same equal and uniform throughout the State, approved February 13th, 1851, shall stand and be considered as the grand levy of the State for the next two years.

Which was not agreed to.

On motion by Mr. Heffren,



The vote taken on recommitting the bill to a select committee, with the instructions of Mr. Cravens, was reconsidered.

The question then being, shall the bill be recommitteed to a select committee, with the instructions proposed by Mr. Cravens?

It was decided in the affirmative.

Mr. Brown moved to instruct the committee to amend the bill by striking out the "board of equalization."

Which was not agreed to.

Mr. Weir moved to suspend the order of business and to take from the table Senate bill No. 199.

Which was not agreed to.

#### SPECIAL ORDERS.

The hour having arrived, the Senate proceeded to consider the report of the committee on elections, on the contested seats from the counties of Marion, Rush and Fountain. Made the special order for to day at 10 o'clock.

On motion of Mr. Cravens,

A call of the Senate was ordered;

The Secretary proceeded with the call, whereupon

It being found that all of the Senators were present except Messrs. Slater of Johnson and Mathews, who had been previously excused.

On motion by Mr. Heffren,

The further call was suspended.

Mr. Wallace moved to lay the resolutions contained in the report on the table.

The ayes and noes being demanded by Senators Wallace and Yaryan,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Heffren, Hostetler, Johnston, Mansfield, Miller, McCleary, McClure, McLean, Richardson, Rugg, Sage, Slater of Dearborn, Tarkington, Wallace, and Wilson—21.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Crane, Cravens,

Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Stevens, Suit, Thompson, Weir, Weston and Yaryan—25.

So the resolutions were not laid on the table.

Mr. Wallace moved to postpone the further consideration of the resolutions contained in the report until the second Monday of the next session of the General Assembly.

Which was not agreed to.

Mr. Wallace moved that the committee on elections be instructed to report the testimony taken before them on the contested seats embraced in the report.

The ayes and noes being demanded by Senators Gooding and Wallace.

*Those who voted in the affirmative were,*

Messrs. Alexander, Drew, Fisk, Gooding, Hargrove, Hostetler, Johnston, Miller, McCleary, McClure, Rugg, Slater of Dearborn, Tarkington and Wallace—14.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Mansfield, Murray, McLean, Parker, Sage, Suit, Thompson, Weir, Weston and Yaryan—25.

So the motion did not prevail.

A separate vote on the resolutions being called for,

The question then recurred upon the adoption of the first resolution contained in the report.

The ayes and noes being demanded by Senators Murray, and Hendry,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston and Yaryan—26.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove,

Heffren, Hostetler, Johnston, Mansfield, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Tarkington, Wallace, and Wilson—20.

So the resolution was adopted.

Mr. Hostetler moved to lay the second resolution contained in the report on the table.

The ayes and noes being demanded by Senators Cravens and Hostetler,

*Those who voted in the affirmative were,*

Messrs. Alexander, Drew, Fisk, Gooding, Hargrove, Heffren, Hostetler, Johnston, Mansfield, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn and Tarkington—19.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston and Yaryan—24.

So the resolution was not laid on the table.

Mr. Hostetler moved to postpone the further consideration of the second resolution contained in the report till Saturday next at 2 o'clock P. M.

Mr. Cravens moved to lay the motion on the table.

The ayes and noes being demanded by senators Cravens and Hostetler,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Heffren, Hendry, Hill, Kinley, March, Murray, Parker, Richardson, Rice, Sage, Stevens, Suit, Tarkington, Thompson, Weir, Weston and Yaryan—29.

*Those who voted in the negative were,*

Messrs. Alexander, Drew, Gooding, Hargrove, Hostetler, Johnston, Mansfield, McCleary, McClure, McLean, Rugg, Slater of Dearborn and Wallace—13.

So the motion was laid on the table.

The question then recurred on the adoption of the second resolution contained in the report.

The ayes and noes being demanded by senators Murray and Hendry,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston and Yaryan—26.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Fisk, Gooding, Hargrove, Heffren, Hostetler, Johnston, Mansfield, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Tarkington, Wallace and Wilson—19.

So the resolution was adopted.

Mr. Wallace moved to lay the third resolution contained in the report on the table.

The ayes and noes being demanded by senators Suit and Griggs,

*Those who voted in the affirmative were,*

Messrs. Alexander, Drew, Fisk, Gooding, Hargrove, Hostetler, Johnston, Mansfield, Miller, McCleary, McClure, Slater of Dearborn and Wallace—13.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Heffren, Hendry, Hill, Kinley, March, Murray, McLean, Parker, Richardson, Rugg, Sage, Stevens, Suit, Tarkington, Thompson, Weir, Weston and Yaryan—31.

So the resolution was not laid on table.

Mr. Wallace moved to postpone the further consideration of the third resolution contained in the report until Saturday next at 2 o'clock P. M.

Which was not agreed to.

The question then recurred on the adoption of third resolution?

The ayes and noes being demanded by senators Murray and Burke,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Sage, Stevens, Suit, Thompson, Weir, Weston and Yaryan—26.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Fisk, Gooding, Hargrove, Heffren, Hostetler, Johnston, Mansfield, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Tarkington and Wallace—18.

So the resolution was adopted.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to bring to the Senate for the signature of the President thereof, enrolled bill of the House,

No. 333. An act to authorize the Treasurer of State to buy for the State lands sold on execution or by order of court, and to sell the same and execute deeds therefor, and to legalize purchases and sales already made in similar cases.

The President signed the bill.

Mr. Suit moved that all the votes and questions pending and passed over informally on the 2d inst., in connection with and relating to the report and resolution in reference to the contested seat of the senator from the counties of St. Joseph, Marshall, Starke and Fulton, be made the special order for Saturday next at 2 o'clock P. M.

The ayes and noes were demanded by senators Bearss and Chapman,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bobbs, Brown, Burke, Cooper, Crane, Cravens, Crouse, Drew, Fisk, Freeland, Gooding, Hargrove, Heffren, Hill, Hostetler, Johnston, Kinley, Mansfield, Murray, McCleary, McClure, McLean, Parker, Richardson, Rugg, Sage, Slater of

S. J.—41

Dearborn, Stevens, Suit, Tarkington, Wallace, Weir, Weston, Wilson and Yaryan—36.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Chapman, Green, Griggs, Hendry, March and Thompson—8.

The motion was agreed to, and the pending votes in relation thereto, and the reports were postponed, and made the special order for Saturday next at 2 o'clock P. M.

A message from the House by Mr. Bowes their clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to bring to the Senate for the signature of the President thereof, enrolled bill of the House,

No. 75. An act to amend the 23d section of an act entitled " an act concerning trespassing animals and partition fences."

The President signed the bill.

The President appointed Messrs. Cravens, Tarkington and Yaryan a select committee on House bill No. 21, agreeably to an order of the Senate this morning.

Mr. Yaryan, from the committee on the elections, made the following report :

MR. PRESIDENT :

The committee on elections, to whom was referred House bill No. 178. A bill to prevent emigration of voters from one county in this State to another, and from one township to another, for the purpose of influencing or carrying the election in such other county, and prescribing penalties against persons aiding, abetting, counseling or engaged therein, have had the same under consideration, and instructed me to report that they find the principle contained in the bill correct, but think it is so worded as to fail in its purposes therein contemplated.

Your committee therefore recommend that the bill be stricken out from the enacting clause, and recommend the adoption of the following in lieu thereof:

That any person or persons who shall emigrate or pass from any other to this State, or from one county or township in this State to any other county or township therein, with the fraudulent intent of

voting in such other county or township, at any election therein, and actually vote in such county or township to which he or they may have emigrated or passed, the person or persons so offending shall be deemed guilty of a misdemeanor, and on conviction thereof, in the county where such voting may have been done, shall be fined in any sum not less than ten nor more than fifty dollars, to which may be added imprisonment in the county jail any determined period not exceeding thirty days.

Sec. 2. That any person or persons who shall assist, aid or abet, by money, pay, persuasion, hire or otherwise, any person or persons to emigrate or pass from any other State, or from one county or township in this State to another county or township therein, with the fraudulent intent, or for the purpose of procuring fraudulent votes, or voting in any county or township in this State at any election therein, he, she or they so offending, shall be deemed guilty of a misdemeanor, and on conviction thereof, in any court of competent authority of the county where such offence may have been committed, shall be fined not less than fifty nor more than one hundred dollars; to which may be added imprisonment in the county jail any determined period not more than three months.

The report was concurred in, and the amendment adopted.

On motion by Mr. Yaryan,

The bill was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Gooding, Green, Griggs, Hargrove, Hefren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Murray, McClure, McLean, Parker, Richardson, Rice, Sage, Stevens, Tarkington, Thompson, Wallace, Weir, Weston, Wilson and Yaryan—40.

No Senator voting in the negative.

So the bill passed.

*Ordered,* That the secretary inform the House thereof.

#### RESOLUTIONS.

On motion by Mr. Johnston,

*Resolved,* That the select committee to whom was referred Senate bill No. 112. "A bill to repeal section first of an act pre-

scribing the duties and fixing the compensation of State Agent, approved June 17, 1852, and to provide for the election of State Agent by the people," be directed to report the same back *instanter*, without amendment, and that said committee be discharged from the further consideration of the subject.

By unanimous consent,

The order of business was suspended, and,

Mr. March from a select committee made the following report:

**MR. PRESIDENT:**

The special committee to whom was referred the resolution directing inquiry into the amount of salary and other moneys paid Gov. Joseph A. Wright, during his term of service, and furniture furnished the governor's house, &c., have directed me to report the following resolutions and recommend their passage, and asked to be discharged from the further consideration of the subject:

*Resolved*, That the Auditor of State be and is hereby requested to report to the Senate, immediately, a statement, showing the amount drawn by Gov. Joseph A. Wright, on account of salary, during his entire term of service; also, the amount drawn on any other account, and the items for which the same was paid.

*Resolved*, That in regard to all expenditures for the governor's house, whether on account of furniture furnished by him, or purchased during his term of service, it is recommended that the same be referred to the Governor, Auditor and Treasurer of State, for equitable adjustment.

The resolutions contained in the report were adopted by the consent of the Senate.

By unanimous consent,

The order of business was suspended, and,

Mr. Hill, from a select committee, made the following report:

**MR. PRESIDENT:**

The select committee, to whom was referred Senate bill No. 5S, "a bill to amend the third section of an act entitled 'an act declaratory of the law regulating marriages, and enforcing the provisions thereof by proper penalties,'" have had the same under consideration, and have directed me to report it back and recommend that it be laid on the table, inasmuch as a House bill on the same subject has been already passed.

The report was concurred in and the bill laid on the table.



Mr. Gooding moved to suspend the order of business and take up the following message from the House:

Which was agreed to.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, viz:

No. 237. A bill to regulate the sale of spirituous, vinous, malt, or intoxicating liquors ;

In which the concurrence of the Senate is respectfully requested.

House bill No. 237, contained in the foregoing message,  
Was read a first time.

Mr. Gooding moved to suspend the rules and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Fisk, Freeland, Gooding, Griggs, Hargrove, Hendry, Hill, March, Mansfield, Miller, Murray, McLean, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Stevens, Suit, Tarkington, Thompson, Wallace, Weir, Wilson, Weston and Yaryan—35.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Drew, Green, Heffren, Hostetler, Johnston, Kinley and McClure—9.

So the rules were suspended, the bill read a second time by its title.

Mr. Alexander moved that the bill be referred to the committee of the whole Senate, and be made the special order for to-day at 2 o'clock P. M.

Which was not agreed to.

Pending the consideration of House bill No. 237,

On motion by Mr. Drew,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

On motion by Mr. Weir,  
The order of business was suspended, and

The following messages from the House were taken up :

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, viz :

No. 199. An act to authorize the State of Illinois to maintain the Calumet Feeder Dam, and securing the use of the waters of the Calumet River, and providing the manner of assessing damages sustained by the citizens of Indiana by the erection thereof, and regulating draining of swamp lands adjacent to the Calumet River in the State of Indiana.

In which the concurrence of the Senate is respectfully requested.

House bill No. 199, contained in the foregoing message,  
Was read a first time and passed to a second reading.

Mr. Weir moved to suspend the order of business and read the bill a second time now.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Gooding, Green, Griggs, Heffren, Hendry, Hill, Hostetler, Johnston, March, Miller, Murray, McCleary, McLean, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Weir, Wilson and Yaryan—38.

*Those who voted in the negative were,*

Messrs. Fisk and Mansfield—2.

So the rules were suspended and the bill read a second time by its title.

On motion by Mr. Weir,  
The bill was referred to a select committee of five.

Senators Weir, Wallace, Johnston, Heffren and Miller were appointed said select committee.

By unanimous consent,  
The order of business was suspended, and  
Mr. Heffren, from the committee on county and township business, made the following report:

MR. PRESIDENT:

The committee on county and township business, to whom was referred House bill No. 162, "a bill for the creation of townships, election of trustees, duties of trustees, and mode of assessing township tax, and doing township business," have had the same under consideration, and directed me to report the same back with an amendment, and when so amended, recommend its passage.

Amend section 12, as follows, strike out the words "month of February," and insert "first Monday in May."

Also, in the last line of said section, by striking out the word "March" and insert "June."

The report was concurred in, and the amendments adopted.

Mr. Hostetler moved to amend the bill as follows:

Amend section 12, 2d line, after the word "township," by adding the words "shall give a certificate, which shall exempt the holder thereof from further labor on highways for twelve months thereafter, and the said supervisors shall not be entitled to any further compensation for said services."

Which was adopted.

Mr. Blair moved to further amend the bill by adding to sec 4, the words "with the consent of a majority of the legal voters that may be present prior to the opening of the polls at any regular election."

Which was not agreed to.

Mr. Blair moved to further amend the bill by striking out the 5th section.

Which was not agreed to.

Mr. Blair moved to indefinitely postpone the further consideration of the bill.

The ayes and noes being demanded by senators Wallace and Heffren,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Brown, Burke, Ensey, Fisk, Green, Hendry, Hill, Kinley, March, Parker, Rice, Rugg, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Thompson, Weston and Yaryan—22.

*Those who voted in the negative were,*

Messrs. Alexander, Chapman, Cooper, Crane, Cravens, Crouse, Drew, Freeland, Gooding, Griggs, Hargrove, Heffren, Hostetler, Johnston, Mansfield, Miller, Murray, McClure, McLean, Richardson, Sage, Tarkington, Wallace, Weir and Wilson—25.

So the bill was not indefinitely postponed.

The bill was ordered to a third reading on to-morrow.

The Senate resumed the consideration of House bill No. 237, pending at adjournment.

Mr. Stevens moved to amend the bill by adding the following section :

Sec. —. All costs taxed in any suit for violation of this act, by any court or justice of the peace, or any other offices having jurisdiction in such cases, shall be considered a part of the judgment rendered for such violation, and the defendant shall stand committed until the costs are fully paid.

Which was not agreed to.

Mr. Heffren moved to amend the bill by striking out all that gives grand juries cognizance of the violations of this act.

The ayes noes being demanded by senators Drew and Heffren,

*Those who voted in the affirmative were,*

Messrs. Drew, Hargrove, Heffren, Hostetler, Johnston, March, Miller, McClure, Parker, Slater of Dearborn, Slater of Johnson and Suit—12.

*Those who voted in the negative were.*

Messrs. Alexander, Blair, Brown, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Fisk, Freeland, Gooding, Green, Griggs, Hendry, Hill, Kinley, Mansfield, Murray, McLean, Richardson, Rice, Rugg, Sage, Stevens, Tarkington, Thompson, Wallace, Weir, Weston, Wilson and Yaryan—33.

So the amendment was not adopted.

Mr. Green moved to amend section 4 of the bill, by adding before the word "more," the words "not less than fifty nor," so that it will read read, "not less than fifty nor more than five hundred dollars."

Mr. Gooding moved the previous question.  
Which was seconded by the Senate.

Mr. Heffren moved to amend the amendment by striking out "fifty" and inserting "twenty-five."  
Which was not agreed to.

The question then being shall the amendment be adopted?  
It was decided in the affirmative.

Mr. Drew moved to amend the bill by striking out the words "vinous or malt," wherever they occur therein.

The ayes and noes being demanded by senators Drew and Heffren,

*Those who voted in the affirmative were,*

Messrs. Cravens, Drew, Fisk, Haigrove, Heffren, Johnston, Mansfield, Miller, McClure, Richardson, Rugg, Wallace and Wilson—13.

*Those who voted in the negative were,*

Messrs. Blair, Brown, Burke, Chapman, Cooper, Crane, Crouse, Ensey, Freeland, Gooding, Green, Griggs, Hendry, Hill, Hostetler, Kinley, March, Murray, McLean, Parker, Rice, Sage, Stevens, Suit, Tarkington, Thompson, Weir and Yaryan—28.

So the amendment was not adopted.

Mr. Cooper moved to amend the bill by "providing that in no case shall intoxicating liquors be drank about the establishment where it is sold."

The ayes and noes being demanded by senators Heffren and Crane,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Cooper, Crane, Cravens, Freeland, Green, Hendry, Hostetler, Johnston, Kinley, March, Sage, Stevens, Suit, Tarkington, Thompson and Yaryan—18.

*Those who voted in the negative were,*

Messrs. Brown, Burke, Chapman, Crouse, Drew, Fisk, Gooding, Griggs, Heffren, Hill, Mansfield, Miller, Murray, McClure, McLean, Parker, Richardson, Rice, Rugg, Slater of Johnson, Wallace, Weir and Wilson—23.

So the amendment was not adopted.

Mr. Griggs moved to amend the bill by adding, in section 2, after the words "white male inhabitants," the words "female, negro, or Indian."

Which was not agreed to.

Mr. Drew moved to amend the bill by striking out therefrom the words "nor shall any license so granted be assignable;"

Which was not agreed to.

Mr. Johnston moved to amend the bill by striking out all that relates to license.

Mr. Suit moved the previous question,  
Which was seconded by the Senate.

The question then being, shall the main question be now put?  
Which was agreed to.

The question then being, shall the amendment be adopted?

The ayes and noes were demanded by Senators Suit and Mansfield,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Chapman, Cooper, Cravens, Freeland, Green, Hill, Johnston, Slater of Dearborn, Stevens, Suit and Thompson—14.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Burke, Crane, Crouse, Drew, Fisk,

Gooding, Griggs, Hargrove, Heffren, Hendry, Hostetler, March, Mansfield, Murray, McClure, McLean, Parker, Richardson, Rice, Sage, Slater of Johnson, Tarkington, Wallace, Weir, Weston and Wilson—29.

So the amendment was not adopted.

The question being, shall the bill be ordered to a third reading on to-morrow.

The ayes and noes being demanded by senators Slater of Dearborn and Drew,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Burke, Chapman, Crane, Cravens, Crouse, Fisk, Gooding, Green, Griggs, Hargrove, Hendry, Hill, Hostetler, March, Mansfield, Miller, Murray, McLean, Parker, Sage, Slater of Johnson, Tarkington, Thompson, Wallace, Weir, Weston and Wilson—29.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Cooper, Drew, Ensey, Freeland, Heffren, Johnston, Kinley, McClure, Richardson, Rice, Rugg, Slater of Dearborn, Stevens and Suit—16.

So the bill was ordered to a third reading on to-morrow.

Mr. Brown moved that the rules be suspended and the bill read a third time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Burke, Chapman, Crane, Cravens, Crouse, Fisk, Gooding, Green, Griggs, Hargrove, Hendry, Hostetler, March, Mansfield, Murray, McLean, Parker, Rice, Sage, Slater of Johnson, Stevens, Tarkington, Thompson, Wallace, Weir, Weston and Wilson—30.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Cooper, Drew, Ensey, Freeland, Heffren, Hill, Johnston, Kinley, McClure, Richardson, Rugg, Slater of Dearborn, Suit and Yaryan—16.

So the rules were not suspended.

On motion by Mr. Suit,

House bill No. 167. A bill to apportion senators and representatives in the State of Indiana ;

Was taken from the table and placed on the files.

By unanimous consent,

The order of business was suspended, and

Mr. Blair, chairman of the committee on county and township business, made the following report :

MR. PRESIDENT :

The committee on county and township business, to whom was referred Senate bill No. 146, "a bill to abolish township boards and transfer the public business with which they have been charged to other officers as therein provided ; to provide for districting township into school districts and provide for electing one school district director in each district, have had the same under consideration, and have directed me to report it back to the Senate and ask to be discharged from the further consideration of the bill.

The report was concurred in, and Senate bill No. 146, contained in the foregoing report, was laid on the table.

Leave being granted,

Mr. Slater of Dearborn, on behalf of a select committee, returned to the Senate, Senate bill No. 112. A bill to repeal section 1st of an act prescribing the duties and fixing the compensation of State Agent, approved June 17, 1852, and to provide for the election of State Agent by the people.

Mr. Heffren moved to amend the bill by adding the following section :

Sec. 2. Provided that nothing herein contained shall be construed to prevent the holding of said office by the present incumbent until such general election is held, unless the General Assembly shall before that time elect a person to fill such office.

Mr. Johnston moved to lay the amendment on the table.

Mr. Griggs moved to amend the motion by including the bill also.

A division of the question being called for.

The question being shall the amendment be laid on the table?

It was decided in the affirmative.



On motion by Mr. Heffren,  
A call of the Senate was ordered.

The Secretary proceeded with the call ;  
Pending which,  
Mr. Bobbs was excused from the call.

It being found that all the senators were present except Mr. McCleary, and those who had been previously excused,

On motion by Mr. McLean,  
The further call was suspended.

The question then being shall the bill be laid on the table?

The ayes and noes being demanded by senators Wallace and Mansfield,

*Those who voted in the affirmative were,*

Messrs. Blair, Burke, Cooper, Crane, Cravens, Crouse, Ensey, Green, Griggs, Heffren, Hendry, Hill, Hostetler, Kinley, March, Murray, Parker, Slater of Johnson, Stevens, Suit, Thompson, Weston and Yaryan—23.

*Those who voted in the negative were,*

Messrs. Alexander, Bearss, Brown, Chapman, Drew, Fisk, Freeland, Gooding, Hargrove, Johnston, Mansfield, Miller, McClure, McLean, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Tarkington, Wallace, Weir and Wilson—23.

The President voting in the affirmative, and the bill was laid on the table.

#### ORDERS OF THE DAY.

##### *Senate Bills on Third Reading.*

: Senate bill No. 97. An act to provide for the sale of certain lands belonging to the State University, the application and investment of the purchase money thereof, and to enable the board of trustees of the said University to obtain accurate information in relation to the property thereof;

Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Blair, Brown, Burke, Cravens, Crouse, Freeland, Green,

Hargrove, Heffren, March, Miller, Murray, McLean, Rice, Rugg, Sage, Tarkington, Weir and Yaryan—19.

*Those who voted in the negative were,*

Messrs. Bearss, Crane, Drew, Ensey, Fisk, Griggs, Hendry, Hill, Hostetler, Johnson, Kinley, Mansfield, McClure, Parker, Richardson, Slater of Dearborn, Slater of Johnson, Suit, Thompson, Wallace and Wilson—21.

So the bill did not pass.

A message from the House by Mr. Bowes, their clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to bring to the Senate, for the signature of the president thereof, enrolled bills of the House,

No. 160. An act to provide for the indigent blind and other infirm persons : and

No. 169. An act to amend an act entitled "an act to provide for the erection and repair of bridges," and to repeal an act entitled "an act to provide for the erection and repair of bridges ; approved March 3, 1855.

The President signed the bills.

On motion by Mr. Murray,  
The order of business was suspended, and,

The following messages from the House were taken up :

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed joint resolution thereof, viz :

No. 21. A joint resolution for the relief of Henry P. Rowan, swamp land treasurer of Pulaski county.

In which the concurrence of the Senate is respectfully requested.

House joint resolution No. 21, contained in the foregoing message,

Was read a first time and passed to a second reading.

Mr. Murray moved to suspend the rules and read the joint resolution a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were*

Messrs. Blair, Brown, Burke, Cooper, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Green, Hargrove, Heffren, Hill, Hostetler, Kinley, March, Miller, Murray, Parker, Rugg, Sage, Suit, Tarkington, Thompson, Wallace, Weir, Wilson and Yaryan—29.

*Those who voted in the negative were,*

Messrs. Bearss, Hendry, Johnston, Mansfield, McClure and Richardson—6.

So the rules were not suspended.

On motion by Mr. Heffren,  
The order of business was suspended, and

The following message from the House was taken up :

A message from the House by Mr. Bowes, their clerk :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, viz :

No. 98. An act to empower railroad companies organized under the general law of the State, to surrender their franchises, pay off their liabilities, distribute their assets, and dissolve their corporations.

In which the concurrence of the Senate is respectfully requested.

House bill No. 98, contained in the foregoing message,  
Was read a first time and passed to a second reading.

The following messages from the House were taken up :

A message from the House by Mr. Bowes, their clerk :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, viz :

No. 295. A bill to amend section first of an act entitled "an act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes; approved May 20, 1852.

In which the concurrence of the Senate is respectfully requested.

House bill No. 295, contained in the foregoing message,  
Was read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill thereof, viz :

No. 308. A bill relative to the printing, binding, and distribution of the session acts, House, Senate and Documentary Journals, declaring who shall be entitled to a copy of the same, authorizing the Secretary of State to dispose of copies of acts by sale, when called for, and allowing such Secretary a compensation for superintending such printing, binding and distribution.

In which the concurrence of the Senate is respectfully requested.

House bill No. 308, contained in the foregoing message,  
Was read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, viz :

No. 210. An act to amend the 26th section of an act entitled an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing for the compensation of the judges thereof; approved May 14, 1852.

In which the concurrence of the Senate is respectfully requested.

House bill 210, contained in the foregoing message,  
Was read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate, viz:

No. 287. An act to provide for the better protection of the rights and interests of the inhabitants of the town of Clarksville, and to repeal an act therein named.

In which the concurrence of the Senate is respectfully requested.

House bill No. 287, contained in the foregoing message,  
Was read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 234. An act supplemental to an act entitled "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries and for the regulation thereof; approved March 5, 1855.

In which the concurrence of the Senate is respectfully requested.

House bill No. 234, contained in the foregoing message,  
Was read a first time and passed to a second reading.

A message from the House by Mr. Bowes, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof, viz:

No. 247. An act supplemental to "an act concerning county prisons," approved May 27, 1852, and to authorize the establishment of work houses, and the confinement of certain persons therein at labor. Also,

No. 338. A bill supplemental to an act entitled "an act to provide against the consequences ensuing or likely to ensue, from the destruction of books, pamphlets, papers, records or other writings of any county in this State, or any circuit, probate, commissioner,

or other inferior court of record therein, or filed with, or in the legal custody of any officer of any county in this State, and to provide for the perpetuation of testimony relative to the same; and requiring new official bonds to be given in cases where the bonds of officers, executors, administrators, and guardians have been destroyed; approved January 12th, 1852. Also,

No. 344. An act to amend section 5 of an act entitled "an act regulating the fees of officers, and repealing former acts in relation thereto; approved March 2, 1855. Also,

No. 100. An act to amend sections 1 and 6 of an act entitled "an act in relation to applying certain funds therein named to the payment of the public debt;" approved June 18, 1852. Also,

No. 290. A bill to enable the several chartered cities and incorporated towns of this State to construct water-works.

In which the concurrence of the Senate is respectfully requested.

House bills No. 247, 338, 344, 100 and 290, contained in the foregoing message,

Were each read a first time and passed to a second reading.

By unanimous consent,

The order of business was suspended, and

Mr. Crouse, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred House bill No. 271, a bill to amend an act entitled "an act to incorporate the South Bend Manufacturing Company," approved December 28, 1842, so as to repeal so much of section seven of said act as to require said company to keep up and maintain a lock at their dam on the St. Joseph river," have had the same under consideration, and instructed me to report it back to the Senate and recommend its passage.

The report was concurred in and the bill ordered to a third reading on to-morrow.

On motion by Mr. Bobbs,

Senate bill No. 147. A bill to amend an act entitled "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties and matters properly connected therewith, and to establish township libraries and for the regulation thereof;" approved March 5, 1855,

Was taken from the table and ordered to be engrossed.

## SENATE BILLS ON SECOND READING.

Senate bill No. 164. A bill for the protection of the people against incompetency and recklessness on the part of practitioners of medicine and surgery, and of the apothecaries art ;

Was read a second time, and ordered to be engrossed.

Senate bill No. 163. A bill for the taxation of brokers ;

Was read a second time, and,

On motion by Mr. Gooding,

Referred to the committee on banks.

Senate bill No. 153. A bill to provide for keeping a record of the births, deaths, and marriages occurring in the State of Indiana, and defining the duties of certain officers connected therewith ;

Was read a second time, and,

On motion by Mr. Gooding,

Referred to the committee on benevolent institutions.

Senate bill No. 150. An act to amend an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852;

Was read a second time, and ordered to be engrossed.

Senate bill No. 151. A bill to amend an act entitled "an act to provide for the incorporation of railroad companies," approved May 11, 1852 ;

Was read a second time, and,

On motion by Mr. Gooding,

Referred to the committee on corporations.

Senate bill No. 152. A bill to amend the first section of an act, entitled an act to amend the fifth section of an act, entitled an act for the more uniform mode of doing township business, approved March 1, 1853, and to amend sections six, seven, and twelve of an act, entitled an act for the more uniform mode of doing township business, approved May 6, 1852;

Was read a second time, and,

On motion by Mr. Hostetler,

Referred to the committee on county and township business.

Senate joint resolution No. 7. A joint resolution in favor of the admission of Kansas as a free State into the Federal Union ;

Was read a second time, and,

On motion by Mr. March,

Referred to a select committee of three.

Senators March, Bobbs, and Gooding were appointed said select committee.

Senate joint resolution No. 9. A joint resolution directing the Auditor of State to take possession of University Square, Indianapolis;

Was taken from the table, ordered to be engrossed and read a third time on to-morrow.

Senate bill No. 162. A bill authorizing non-resident railroad directors by railroad companies chartered by this State.

Was read a second time, and ordered to be engrossed and read a third time to-morrow.

Senate bill No. 161. A bill to provide for a geological, mineralogical, chemical, and agricultural survey of the State of Indiana;

Was read a second time, and,

On motion by Mr. Blair,

Referred to a select committee of five.

Messrs. Blair, Burke, Crane, Hostetler, and Miller were appointed said select committee.

Senate bill No. 160. An act to amend the 51st section of an act, entitled "an act defining misdemeanors, and prescribing punishment therefore," approved June 14, 1855;

Was read a second time, and,

On motion by Mr. March,

Referred to the committee on finance.

Senate bill No. 159. A bill to provide for the protection of telegraph lines, and the punishment of persons interfering therewith;

Was read a second time, and ordered to be engrossed and read a third time on to-morrow.

Senate bill No. 158. An act to amend the 1st, 4th, and 5th sections of an act entitled "an act concerning interest on money," approved May 27, 1852;

Was read a second time, and,

On motion by Mr. Richardson,

Referred to the committee on finance.

Senate bill No. 157. A bill for the establishment of normal schools and the organization of a State Board of Education, for the management of the same, and the diffusion of the general educational interests of the State.

Was read a second time, and,

On motion by Mr. Hostetler,

Laid on the table.



Senate bill No. 155. An act to prevent the carrying of concealed weapons, and prescribing the punishment therefor;  
Was read a second time.

Mr. Weir moved to lay the bill on the table,  
Which was agreed to.

The bill was ordered to be engrossed and read a third time to-morrow.

Senate bill No. 154. An act to prevent and punish prostitution and lewdness, and declaring buildings occupied or used for such purposes to be nuisances;

Was read a second time, and ordered to be engrossed and read a third time to-morrow.

Senate bill No. 166. A bill to fix the time of holding the courts in the county of Delaware, and to repeal all acts inconsistent therewith;

Was read a second time, and ordered to be engrossed and read a third time on to-morrow.

Senate bill No. 165. A bill to authorize the appointment of a commissioner to take charge of the estate of any person who shall have absconded or absented himself, or shall have been absent from his family, or last or usual place of residence, or of doing business for six months without having been heard from during that time, and without the reason for his absence and the place of his sojourn or travel being known, or whether he be dead or living, and prescribing the duties and powers of such commissioner, and the effect of his proceedings in the premises;

Was read a second time, and,

On motion by Mr. Richardson,

Referred to the committee on the judiciary.

#### HOUSE BILLS ON SECOND READING.

House bill No. 282. An act to amend the general banking law of Indiana, and to declare the meaning of said section;

Was read a second time, and,

On motion by Mr. Crane, —

Referred to the committee on banks.

House bill No. 326. An act to raise revenue for State purposes for the years 1857 and 1858 ;

Was read a second time.

Mr. Richardson moved to refer the bill to the committee on finance.

Which was not agreed to.

The bill was ordered to a third reading on to-morrow.

House bill No. 784. A bill to amend section 8 of "an act providing for the election of clerk of circuit court, and prescribing some of their duties;" approved June 7, 1852;

Was read a second time and ordered to a third reading on to-morrow.

House bill No. 305. An act to change the time of holding courts in the tenth judicial circuit, and to extend the length of the term in Allen county, and providing additional compensation to the judge thereof;

Was read a second time, and,

On motion by Mr. Hendry,

Referred to a select committee of three from the 10th congressional district.

Messrs. Hendry, Rugg and Thompson were appointed said select committee.

House bill No. 251. A bill legalizing the collection of taxes made during the year 1856, in conformity with an act entitled "an act to appraise the real estate of this State, and to make the value of the same equal and uniform throughout this State," approved February 13, 1851;

Was read a second time and ordered to a third reading on to-morrow.

House bill No. 221. An act to reduce the width of the Michigan road lying between Indianapolis and Logansport from one hundred feet to sixty feet in width;

Was read a second time, and,

On motion by Mr. Johnston,

Referred to the committee on the judiciary.

House bill No. 294. An act to provide for the assessment and taxation of lands and real estate belonging to railroads, plank roads or other incorporated joint stock companies;

Was read a second time and ordered to a third reading on to-morrow.

House bill No. 87. An act to provide greater security of the funds of the State entrusted to the management of the Agent of State, prescribing certain additional duties of the Agent and Auditor of State, and imposing certain penalties for the neglect thereof;

Was read a second time, and,

On motion by Mr. Richardson,

Referred to the committee on finance.

House bill No. 284. An act authorizing all persons to travel upon plank, McAdamized and gravel roads, free from toll, in going to and returning from church, or public worship, on the Sabbath day ;

Was read a second time and ordered to a third reading on to-morrow.

House bill No. 241. An act to establish forms for criminal proceedings, and to declare valid the use of such forms heretofore ;

Was read a second time and ordered to a third reading on to-morrow.

House bill No. 209. An act to amend the 6th section of an act entitled "an act to provide for the valuation and assessment of the real and personal property and for the collection taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State, approved June 21, 1852, so as to exempt certain property therein named from taxation ;

Was read a second time and ordered to a third reading on to-morrow.

House bill No. 181. A bill to amend section 321 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity;" approved June 18, 1852 ;

Was read a second time and passed to a third reading.

On motion by Mr. March,

The order of business was suspended, and

Mr. March presented the petition of Henry Huffman, of Blackford county, for relief ;

Which was referred to the committee on the judiciary.

On motion by Mr. Heffren,

The Senate adjourned.

THURSDAY MORNING, 9 o'clock, }  
 March 5, 1857. }

The Senate met.

The reading of the journal was dispensed with.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Murray, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred House bill No. 177. An act to authorize the empannelling of petit juries in the court of common pleas, and to repeal an act therein named, have had the same under consideration and beg leave to report that legislation on the subject is inexpedient, and recommend that the bill be indefinitely postponed.

The report was concurred in and the bill indefinitely postponed.

Mr. Hendry, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred House bill No. 221, an act to reduce the width of the Michigan road lying between Indianapolis and Logansport, from one hundred feet to sixty feet in width, have had the same under consideration, and directed me to report back the same and recommend its indefinite postponement.

The report was concurred in, and House bill No. 221, indefinitely postponed.

Mr. Murray, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred House bill

No. 68, have had the same under consideration, and agreed to report the same back and recommend its passage.

The report was concurred in, and House bill No. 78, contained in foregoing report, was ordered to a third reading on to-morrow.

Mr. Crouse, chairman of the committee on corporations, made the following report :

MR. PRESIDENT :

The committee on corporations, to whom was referred House bill No. 118. A bill to enable the common councils of the several incorporated cities of this State, to prescribe, by ordinance, the time within which the annual assessments for city purposes shall be made, and the rolls thereof returned, and the time within which the city tax rolls or duplicates shall be made and delivered to the collecting officers, and also the time within which such collecting officers shall make their returns, have had the same under consideration, and have directed me to report it back to the Senate and recommend its passage.

The report was concurred in and the bill ordered to a third reading on to-morrow.

Mr. Rice, chairman of the committee on claims, made the following report :

MR. PRESIDENT :

The committee on claims, to whom was referred the claims of Calvin Compton for services rendered in pursuing and assisting to arrest a fugitive from justice as therein named, have had the same under consideration, and have directed me to report it back, and recommend that the sum of seventy-five dollars be allowed to him for said services, and ask that it be allowed in the bill of specific appropriations.

On motion by Mr. Burke,

The claim referred to in the report was referred to the committee on finance.

Mr. Rice, from the committee on claims, made the following report :

MR. PRESIDENT :

The committee on claims, to whom was referred the claim of Pierce and Nesbitt, for service rendered in reclaiming a fugitive from justice in a certain case therein named, have had the same

under consideration and have directed me to report it back and recommend that the sum of one hundred and eighty-one dollars and thirty cents be allowed to them for said services, and ask that it be allowed in the bill of specific appropriations.

On motion by Mr. Rice,

The resolution in the report was referred to the committee on finance.

Mr. Rice, from the committee on claims, made the following report:

**MR. PRESIDENT :**

The committee on claims, to whom was referred the claim of A. G. Deavitt, for services rendered in prosecuting a certain case therein named, have had the same under consideration and have directed me to report it back, and recommend that the sum of fifty dollars be allowed to him for said services, and that it be allowed in the bill of specific appropriations.

On motion by Mr. Rice,

The resolution contained in the report was referred to the committee on finance.

Mr. Burke, from the committee on banks, made the following report:

**MR. PRESIDENT :**

The committee on banks, to whom was referred House bill No. 282. An act to amend the 48th section of the general banking law of Indiana, and to declare the meaning of said section, have had the same under consideration, and have directed me to report the bill back, and recommend its passage.

The report was concurred in, and House bill No. 282, contained therein, ordered to a third reading on to-morrow.

Mr. Burke, chairman of the committee on banks, made the following report:

**MR. PRESIDENT :**

The committee on banks, to whom was referred Senate bill No. 118, a bill to establish a bank with branches, and to enable the stockholders to obtain a loan of the capital stock upon the faith of real estate, have had the same under consideration and have directed

me to report back, and ask for it the favorable consideration of the Senate.

The report was concurred in, and the bill ordered to be engrossed.

Mr Richardson, from the committee on county and township business made the following report:

MR. PRESIDENT:

The committee on county and township business, to whom was referred Senate bill 137, a bill providing for the election, and prescribing certain duties of county surveyor, and fixing his compensation, in certain cases, and providing a fee for county recorders in recording transcripts of surveys, and repealing "an act providing for the election and prescribing certain duties of county surveyor," approved June 17, 1852, have had the same under consideration, and have instructed me to report the same back without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

#### REPORTS FROM SELECT COMMITTEES.

Mr. Weir, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred House bill No. 199, a bill to authorize the State of Illinois to maintain the Calumat feeder dam, and securing the use of the waters of the Calumat river, and providing manner of assessing damages sustained by citizens of the State of Indiana, and regulating the draining of swamp lands adjacent to the Calumat river in the State of Indiana, have had the same under consideration, and have directed me to report the same back to the Senate with the amendment herewith reported, and that the same be so amended, and when so amended to recommend its passage.

Amend the bill, 1st. by striking out in line 47 of section 1st, the word "ten" and inserting the word "five."

2d. By striking out in line 13 section 3, the word "ten" and inserting the word "five."

Also, by striking out all after the word "Indiana" in line 20, same section, to the word "which" in line 23.

Also, in same section, line 25 strike out the word "and" and insert the word "or."

3d. Amend by striking out in line 27, section 4, all after the word "lands" to the word "as" in line 31.

4th. Amend by striking out in line 3, of section 15, the word "and" and inserting the word "or."

Also, in line 6, same section, after the word "overflowed" insert the words "or injured."

Also, in same section, line 9, after the word "entry" add the words "as damages."

5th. Amend by striking out in line 3, of section 16, the word "ten" and insert the word "five."

Also, in line 18, section 16, strike out the word "ten" and insert the word "five."

The report was concurred in, the amendments adopted, and the bill ordered to a third reading on to-morrow.

Mr. Tarkington, from a select committee, made the following report:

**MR. PRESIDENT:**

The select committee, to whom was recommitted Senate bill No. 21, a bill to amend the 467th section of an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to establish distinct forms of action at law and to provide for the administration of justice in a more uniform mode of pleading and practice without distinction between law and equity, approved June 18, 1852, with instructions to so amend the bill that the appraisement of real property be made and placed on the duplicate for taxation for the year 1857, have made the following amendments, to-wit:

In the 1st section, 3d line, strike out "1858" and insert "1857."

In section 4, in the 1st and 2d lines, strike out after the word "shall," all that follows, to the word "prepare," and insert "immediately."

In section 5th, 2d line, strike out after the word "immediately," all that follows, to the word "proceed," and insert "apply to the county auditor for all the proper forms, books, and papers necessary for the discharge of his duty and."

In section 12, 1st line, strike out "day of December" and insert "Monday, of June."

In 14th section, 3d line, strike out "March, 1858," and insert "June, 1857."

In section 21, 2d line, strike out "March," and insert "June."

In section 23, 13th line, strike out "first," and insert "Tuesday after 3d Monday in June."

The report was concurred in, and the amendments adopted.

The question being, shall the bill pass?



*Those who voted in the affirmative were,*

Messrs. Blair, Bobbs, Brown, Burke, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Gooding, Green, Heffren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Miller, Murray, McClure, McLean, Parker, Rice, Rugg, Sage, Slater of Dearborn, Suit, Tarkington, Wallace, Weir, Wilson and Yaryan—38.

*Those who voted in the negative were,*

Messrs. Bearss, Chapman, Cooper, Hargrove, Richardson, Stevens and Thompson—7.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Mr. Heffren, from a select committee, made the following minority report :

MR. PRESIDENT :

A minority of the select committee to whom was referred Senate joint resolution No. 4, dissenting from the conclusions of the majority, beg leave to submit the following report :

The undersigned believes that inasmuch as our constitution was adopted by so large a majority of the voters of Indiana, that it would now be inexpedient to change the same, especially as no petitions have been presented to the General Assembly praying such change as is now proposed.

Another reason why the undersigned think such proposed change should not be adopted is, that now a large number of foreign born persons now residing in this State, and now having and exercising the right of suffrage under the present constitution, would, by this proposed change, be disfranchised.

The undersigned does not believe that such a course would be either wise, politic or just, in view of the circumstances, but that on the contrary it would be productive of evil. That it would increase and arouse jealousies between different classes of the inhabitants of this State ; therefore, in view of all these facts, the undersigned believes that said joint resolution should not pass.

Mr. Cravens, from the committee on finance, made the following report :

MR. PRESIDENT :

The committee on finance, to whom was referred House bill No. 66, a bill for the investment and safe-keeping of the school fund

from the 114th section of an act establishing a State bank, approved January 28, 1834, and for the election of sinking fund commissioners, and prescribing their duties, have had the same under consideration, and direct me to report it back and respectfully ask that it lie on the table.

The report was concurred in and the bill laid on the table.

The following message from the House, by Mr. Campbell, enrolling clerk thereof:

MR. PRESIDENT:

I am directed by the House to bring to the Senate, for the signature of the President, the following enrolled bills of the House, viz:

No. 46. An act for the improvement of agriculture, and to enable persons owning overflowed or swamp lands to drain the same.

No. 129. An act to provide for the government and discipline of the State prison, and to repeal "an act to provide for the government and discipline of the State prison," approved March 3d, 1855, and all other laws or parts of laws inconsistent herewith.

No. 242. An act to enable the different counties in the State having a swamp land fund to ascertain and use the amount thereof for the purpose of ditching and draining the swamp lands therein.

The President signed the bills.

A message from His Excellency, the Governor, by Mr. Osborne, the executive messenger:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has approved and signed the following bill:

Senate bill No. 102. An act to amend section 25 of "an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the condition of said grant, approved May 29th, 1852, and also to facilitate the ditching and draining of swamp lands and to provide for the payment thereof in certain cases therein mentioned.

#### RESOLUTIONS.

Mr. Heffren offered the following resolution:

*Resolved*, That the sergeant-at-arms receive for his mileage in the serving of subpoenas the same mileage as members of the General Assembly of this State.

Which was not agreed to.

Mr. Wallace offered the following preamble and resolutions :

WHEREAS, Intelligence of the death of Dr. Elisha K. Kane has filled our hearts with profoundest sorrow ; AND WHEREAS, the Legislatures of several States has passed resolutions expressive of their admiration for the man and their grief for his death ; while cities are engaged in funeral ceremonies, or in preparations for such ceremonies, in honor of his remains as they are now borne home to their last resting place ; therefore,

*Resolved*, That this Senate forms no exception to the common opinion of the character and services of the deceased ; his whole life was essentially American, and he himself one of the highest exemplifications of American genius ; as a soldier, a sailor, a man of science, of pure ambition, of tireless energy, and chivalrous soul, he was, and will continue to be, a model for the multitude of kindred spirits that are to come after him ; he was the Walter Raleigh of his native land and is immortal.

*Resolved*, That while we unite with others in thus honoring his life, we unite with them, also, in sincerely deploring his early death.

*Resolved*, That the concurrence of the House is herein respectfully requested, and that these resolution be published in the Sentinel and Journal.

Which was agreed to.

On motion by Mr. Freeland,

*Resolved*, That the State Printer be requested to furnish this Senate with two hundred copies of the report of the House committee in relation to the practice of medicine and surgery.

Mr. Sage, chairman on behalf of the committee on benevolent institutions, presented the following preamble and resolution, to be spread upon the journal without action on the part of the Senate :

WHEREAS, On the 3d inst., the committee on benevolent institutions submitted a report censuring, strongly, the policy, on the part of the managers of said benevolent institutions, and others, having charge of the public moneys, of endeavoring and permitting to be overdrawn the appropriations made by law for the same ;

AND WHEREAS, By an act of the Legislature, session of 1855, the said managers and financial agents were prohibited from so over-drawing or permitting to be overdrawn, therefore,

*Resolved*, That the censure implied in said report was not intended or designed to censure any individual in particular, but as an unqualified expression of the disapprobation of this Senate in all cases where appropriations are overdrawn, as impolitic, dangerous and unwise.

P. S. SAGE,  
CYRUS K. DREW,  
J. S. BOBBS,  
D. H. CROUSE,  
S. T. ENSEY,  
G. W. BROWN,  
STANLEY COOPER,  
ARCHIBALD JOHNSTON,  
JOHN FREELAND.

By unanimous consent,

The order of business was suspended, and

Mr. March, chairman of the committee on finance, made the following report :

MR. PRESIDENT :

The committee on finance, to whom was referred Senate bill No. 160, an act to amend the 51st section of an act entitled an act defining misdemeanors, and prescribing punishment therefor, have directed me to report the same back and recommend its passage.

The report was concurred in, and Senate bill No. 160 contained therein was ordered to be engrossed and read a third time to-morrow.

Mr. March, chairman of the committee on finance, made the following report:

MR. PRESIDENT :

The committee on finance, to whom was referred Senate bill No. 158, an act to amend the 1st, 4th, and 5th sections of an act entitled an act concerning interest on money, approved May 27, 1852, have had the same under consideration, and directed me to report it back and recommend its passage.

Mr. Crane moved to lay Senate bill No. 158, contained in the foregoing report, on the table.

The ayes and noes being demanded by Senators Crane and March.

*Those who voted in the affirmative were,*

Messrs. Blair, Brown, Crane, Drew, Fisk, Green, Hostetler, Mansfield, McCleary, McClure, McLean, Parker, Richardson, Sage, Suit, Tarkington, Wallace, and Yaryan—18.

*Those who voted in the negative were,*

Messrs. Alexander, Bearss, Bobbs, Burke, Chapman, Cravens, Crouse, Ensey, Freeland, Gooding, Heffren, Hendry, Hill, Johnston, Kinley, March, Murray, Rice, Slater of Dearborn, Slater of Johnson, Stevens, Thompson, Weir, Weston and Wilson—26.

So the bill was not laid on the table.

Mr. Suit moved to indefinitely postpone the further consideration of the bill.

The ayes and noes being demanded by Senators March and Brown.

*Those who voted in the affirmative were,*

Messrs. Blair, Bobbs, Brown, Cooper, Crane, Crouse, Drew, Hostetler, Heffren, Mansfield, Murray, McCleary, McClure, McLean, Parker, Richardson, Sage, Slater of Dearborn, Suit, Tarkington, and Wallace—21.

*Those who voted in the negative were,*

Messrs. Alexander, Bearss, Burke, Chapman, Cravens, Ensey, Fisk, Freeland, Gooding, Green, Hargrove, Hendry, Hill, Johnston, Kinley, March, Miller, Rice, Slater of Johnson, Stevens, Thompson, Weir, Weston, Wilson and Yaryan—25.

So the bill was not indefinitely postponed.

The bill was ordered to be engrossed and read a third time on to-morrow.

The president laid before the Senate the following response of the Auditor of State, to a resolution of the Senate.

OFFICE AUDITOR OF STATE,  
Indianapolis, March 5, 1857. }

HON. A. A. HAMMOND,

*President of the Senate :*

SIR :—I have the honor to transmit herewith a reply to the resolution.  
S. J.—43

lution adopted by the Senate on the 3d inst., calling for amount of warrants issued to the lessee of the State prison, which you will please lay before the Senate.

I am sir, very respectfully, Your ob't serv't,

JOHN W. DODD, *Auditor of State.*

OFFICE OF AUDITOR OF STATE, }  
Indianapolis, March 5, 1857.

HON. A. A. HAMMOND,

*President of the Senate:*

SIR:—In reply to a resolution of the Senate, of the 3d inst., I have to state that warrants have been issued to Samuel H. Pater-son, late lessee of the State Prison, since the 1st of September last, as follows :

Sept. 1, 1855, No. 4,289, for.....	\$28,180 12
Appraisement of tools, machinery, manufactured articles, &c., allowed under an act approved March 3d, 1855, entitled "an act to provide for the elec-tion of officers for the State Prison, and for the appraisement of the property of said prison," and upon the award of the appraisers and arbiter ap-pointed in pursuance of said act.	
Sept. 1, 1855, No. 4,290, for .....	7,710 25
Estimate of work done and materials furnished for building, &c., allowed under an act approved March 3d, 1855, entitled "an act to authorize the Governor to contract for the completion of the cells and cell house at the State Prison, and ap-propriating a sum of money for the same," and upon the certificate of the superintendent of the State Prison building.	
Jan. 17, 1856, No. 4,883, for.....	6,108 67
For gate money, repairs, &c., allowed under an act approved March 3d, 1855, entitled "an act to pro-vide for the settlement of the claims of the lessee of the State Prison," and upon the certificate of the Warden, and the approval of the Governor, Auditor and Treasurer of State.	
Feb. 24, 1856, No. 5,025, for.....	2,172 50
Prisoners clothing, bedding, &c., allowed under the last cited act, and upon the approval of the Gover-nor, Auditor and Treasurer of State.	
Total amount audited.....	\$44,171 54

Respectfully submitted,

JOHN W. DODD, *Auditor of State.*

On motion by Mr. Crane,

The communication was laid on the table and 200 copies ordered to be printed.

Mr. Hostetler offered the following resolution :

*Resolved*, That the order of business shall not be suspended without the consent of the Senate.

Which was not agreed to.

Mr. Wallace offered the following resolution :

*Resolved*, That when the committee charged with investigating alleged bank frauds, report on the 6th of March, T. L. Smith and Joseph A. Wright be heard within the bar of the Senate an hour each.

Mr. Alexander moved to amend the resolution by striking out "Saturday," and inserting "Monday."

Mr. Tarkington moved to amend the amendment as follows :

"That all persons desiring to discuss the subject be heard on this floor, especially the editors of the Sentinel and Journal."

Mr. Alexander moved to lay the resolution and pending amendments on the table.

Mr. Weir called for a division of the question.

The question being, shall the amendment to the amendment be laid on the table?

It was decided in the affirmative.

The question then being shall the amendment to the resolution be laid on the table?

Which was not agreed to.

Mr. Parker moved to amend the amendment by "providing that senators shall have an equal length of time to discuss the question."

Mr. Gooding moved to lay the motion to amend the amendment on the table.

Which was agreed to.

Mr. Mansfield moved to amend the amendment "by fixing the time for to-morrow evening at 7 o'clock."

Which was not agreed to.

Mr. Tarkington moved to lay the resolution and pending amendments on the table.

The ayes and noes being demanded by senators March and Heffren,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Burke, Crane, Crouse, Drew, Hostetler, Heffren, Mansfield, Miller, Rugg, Suit, Tarkington and Weston—14.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Chapman, Cooper, Cravens, Ensey, Fisk, Freeland, Gooding, Green, Griggs, Hargrove, Hendry, Hill, Johnston, Kinley, March, Murray, McCleary, McClure, McLean, Parker, Richardson, Rice, Sage, Slater of Johnson, Thompson, Wallace, Weir, Wilson and Yaryan—33.

So the resolution and pending amendments were not laid on the table.

Mr. Suit moved to add the following amendment:

Strike out the name of "T. L. Smith" and insert "William T. Otto."

Which was not agreed to.

Mr. Tarkington moved to indefinitely postpone the further consideration of the resolution and pending amendments.

The ayes and noes being demanded by senators Wallace and March,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bobbs, Burke, Crane, Drew, Heffren, Hill, Hostetler, Rugg, Stevens, Suit and Tarkington—12.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Brown, Chapman, Cooper, Cravens, Crouse, Ensey, Fisk, Freeland, Gooding, Green, Griggs, Hargrove, Hendry, Johnston, Kinley, March, Mansfield, Miller, Murray, McCleary, McClure, McLean, Richardson, Rice, Sage, Slater of Johnson, Thompson, Wallace, Weir, Wilson and Yaryan—34.

So the resolution and pending amendments were not indefinitely postponed.



Mr. Johnston moved to amend the amendment by inserting after the word "Monday," the words "at 9 o'clock A. M."

Which was agreed to.

Mr. Hostetler moved to amend the amendment by "providing that their speeches shall be strictly confined to the testimony taken by the investigating committee."

Which was not agreed to.

Mr. Richardson moved to amend the amendment by striking out "one" and inserting "two hours."

Which was not agreed to.

The question then being shall the amendment of Mr. Gooding as amended by Mr. Johnston be adopted?

It was agreed to.

The question then being, shall the resolution as amended be adopted?

The ayes and noes being demanded by senators Gooding and Wallace,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Chapman, Cooper, Cravens, Ensey, Fisk, Freeland, Gooding, Green, Griggs, Hargrove, Hendry, Johnston, Kinley, March, Murray, McCleary, McClure, McLean, Parker, Richardson, Rice, Sage, Slater of Johnson, Stevens, Thompson, Wallace, Weir, Wilson and Yaryan—31.

*Those who voted in the negative were,*

Messrs. Alexander, Bobbs, Brown, Burke, Crane, Crouse, Drew, Heffren, Hill, Hostetler, Mansfield, Miller, Rugg, Slater of Dearborn, Suit and Tarkington—16.

So the resolution as amended was adopted.

#### ORDERS OF THE DAY.

#### *House Bills on Third Reading.*

No. 326. An act to raise revenue for State purposes for the years 1857 and 1858;

Was read a third time.

Mr. Suit moved to postpone the further consideration of the bill till, and make it the special order for Saturday next at 4 o'clock P. M.

On motion by Mr. Green,  
A call of the Senate was ordered.

The Secretary proceeded with the call ;

Whereupon, it being found that all the senators were present except Mr. Mathes, who was previously excused.

On motion by Mr. Gooding,  
The further call of the Senate was suspended.

Mr. Hostetler moved to lay on the table the motion to postpone the further consideration of House bill No. 326 till, and making it the special order for Saturday next at 4 o'clock P. M.

The ayes and noes being demanded by senators Murray and Drew,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Heffren, Hostetler, Johnston, Mansfield, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace and Wilson—21.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston and Yaryan—26.

So the motion was not laid on the table.

Mr. Slater of Dearborn moved that the Senate now adjourn.  
Which was not agreed to.

Mr. Heffren moved to amend the motion to postpone the further consideration of House bill No. 326 till, and making it the special order for Saturday next at 4 o'clock P. M., by "making it the special order for 4 o'clock P. M., on Friday next," instead of Saturday.

The ayes and noes being demanded by senators Slater of Dearborn and Heffren,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Heffren, Hostetler, Johnston, Mansfield, Miller, McCleary, Mc-

Clure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace and Wilson—21.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston and Yaryan—27.

So the amendment was not adopted.

Mr. Hostetler moved to amend the motion postponing the further consideration of House bill No. 236 till, and making it the special order for Saturday next at 4 o'clock P. M., by making it the special order for to-day at 2 o'clock P. M.

The ayes and noes being demanded by senators Slater of Dearborn and Hostetler,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Heffren, Hostetler, Johnston, Mansfield, Miller, McCleary, McClure, McLean, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington and Wallace—19.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Gooding, Green, Griggs, Hendry, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston and Yaryan—28.

So the amendment was not adopted.

Mr. Slater of Dearborn moved that the Senate now adjourn.

The ayes and noes being demanded by five senators,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Hargrove, Johnston, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington and Wallace—14.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Cooper, Crane, Cravens, Crouse, Ensey, Fisk, Freeland, Gooding, Green, Griggs, Hendry,

Hostetler, Kinley, March, Mansfield, Murray, Parker, Rice, Stevens, Suit, Thompson, Weir, Weston and Yaryan—28.

So the motion to adjourn did not prevail.

Mr. Slater of Dearborn moved to amend the motion to postpone the bill, by making it the special order for to-morrow at 11 o'clock A. M., instead of Saturday next at 4 o'clock P. M.

Mr. Blair moved to lay the motion on the table.

The ayes and noes being demanded by senators Slater of Dearborn and Suit,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Gooding, Green, Griggs, Hendry, Kinley, March, Murray, Parker, Rice, Stevens, Suit, Thompson, Weir, Weston and Yaryan—25.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Fisk, Hargrove, Heffren, Hostetler, Johnston, Mansfield, Miller, McCleary, McClure, McLean, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington and Wallace—16.

So the motion to amend was laid on the table.

Mr. Murray moved the previous question.  
Which was seconded by the Senate.

Mr. Slater of Dearborn moved that the Senate now adjourn.

The ayes and noes being demanded by five senators,

*Those who voted in the affirmative were*

Messrs. Alexander, Brown, Fisk, Hargrove, Heffren, Hostetler, Johnston, Miller, McCleary, McClure, McLean, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington and Wallace—17.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Gooding, Green, Griggs, Hendry, Kinley, March, Mansfield, Murray, Parker, Rice, Stevens, Suit, Thompson, Weir, Weston and Yaryan—26.

So the motion to adjourn did not prevail.

Mr. Slater of Dearborn moved a call of the Senate.

The ayes and noes were demanded by senators McLean and Slater of Dearborn,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Fisk, Gooding, Hargrove, Heffren, Hostetler, Johnston, Mansfield, Miller, McCleary, McClure, McLean, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace and Wilson—19.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Green, Hendry, Kinley, March, Murray, Parker, Rice, Stevens, Suit, Thompson, Weir, Weston and Yaryan—24.

So a call of the Senate was not ordered.

Mr. Slater of Dearborn moved that the Senate now adjourn.

The ayes and noes being demanded by five senators,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Fisk, Hargrove, Heffren, Hostetler, Johnson, Mansfield, Miller, McCleary, McLean, Rugg, Wallace and Wilson—14.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Gooding, Green, Griggs, Hendry, Kinley, March, Murray, Parker, Rice, Stevens, Suit, Thompson, Weir, Weston and Yaryan—26.

So the motion to adjourn did not prevail.

Mr. Slater of Dearborn moved a call of the Senate.

The ayes and noes being demanded by senators Wallace and Slater of Dearborn,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Fisk, Hargrove, Heffren, Hostetler, Johnston, Mansfield, Miller, McCleary, McClure, McLean, Rugg, Slater of Dearborn, Slater of Johnson and Wallace—16.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Cooper, Crane, Cravens, Crouse, Ensey, Freeland, Gooding, Green, Hendry, Kinley, March, Murray, Parker, Rice, Stevens, Suit, Thompson, Weir, Weston and Yaryan—24.

So a call of the Senate was not ordered.

Pending the consideration of the motion to postpone House bill No. 326 till, and making it the special order for Saturday next at 4 o'clock P. M.,

On motion by Mr. Slater of Dearborn,  
The Senate adjourned.

2 o'clock, P. M.

The Senate met.

Mr. Green moved a call of the Senate.  
Which was agreed to.

The Secretary proceeded with the call,  
Pending which,  
Messrs. Crane and Bearss were excused from the call.

It being found that all the Senators were present except those who had been previously excused.

On motion by Mr. Gooding,  
The further call was suspended.

A message from the House by Mr. Campbell, an enrolling clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to bring to the

Senate, for the signature of the president thereof, the following enrolled bills of the House, viz:

No. 84. An act to amend the 31st section of "an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11, 1852, also to amend the 46th and 48th sections of said act. And,

No. 88. An act for the incorporation and continuance of building, loan fund and savings association.

The President signed the bills.

A message from the House by Mr. Bowes, their clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has concurred in engrossed amendment of the Senate to the engrossed bill of the House, viz:

No. 178. An act to prevent emigration of voters from one county in this State, to another for the purpose of influencing or carrying the election in such other county, and prescribing penalties against persons aiding, abetting, counseling, or engaged therein.

Mr. Gooding moved to pass over informally the question pending at adjournment, on the motion to postpone further consideration of House bill No. 326, till, and making it the special order for Saturday next at 4 o'clock P. M.

The ayes and noes being demanded by Senators Yaryan and Weir,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Cravens, Drew, Fisk, Gooding, Hargrove, Heffren, Hostetler, Johnston, Mansfield, Miller, McCleary, McClure, McLean, Richardson, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Tarkington and Wallace—22.

*Those who voted in the negative were,*

Messrs. Blair, Bobbs, Burke, Chapman, Cooper, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Stevens, Suit, Thompson, Weir, Weston and Yaryan—23.

So the motion to pass over informally did not prevail.

Mr. Slater of Dearborn, moved to amend the motion to postpone the further consideration of House bill No. 326, till Saturday next at 4 o'clock P. M., by making it the special order for to-day at 4 o'clock P. M.

The ayes and noes being demanded by senators Suit and Murray,

*Those who voted in the affirmative were,*

Messrs. Brown, Drew, Fisk, Gooding, Hargrove, Heffren, Hostetler, Johnston, Mansfield, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, and Wilson—20.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, March, Kinley, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weston and Yaryan—25.

So the motion to amend did not prevail.

Mr. Wallace moved to amend the motion to postpone the further consideration of the bill till Saturday next at 4 o'clock P. M., by making it the special order for to-day at 7 o'clock P. M.

The ayes and noes being demanded by Senators Wallace and Suit,

*Those who voted in the affirmative were,*

Messrs. Brown, Drew, Fisk, Gooding, Hargrove, Hostetler, Johnston, Kinley, Mansfield, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace and Wilson—19.

*Those who voted in the negative were,*

Messrs. Alexander, Blair, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Heffren, Hill, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weston, Wilson and Yaryan—25.

So the motion to amend did not prevail.

Mr. Heffren moved to reconsider the vote just taken, on the motion to make the bill the special order, for this evening at 7 o'clock P. M.



The ayes and noes being demanded by Senators Heffren and Slater of Dearborn,

*Those who voted in the affirmative were,*

Messrs. Brown, Drew, Fisk, Gooding, Hargrove, Heffren, Hostetler, Johnston, Mansfield, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace and Wilson—20.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir, Weston and Yaryan—26.

So the vote on the motion to make the bill the special order for this evening 7 o'clock P. M. was not reconsidered.

Mr. Weir moved the previous question,  
Which was seconded by the Senate.

Pending which,

Mr. Heffren moved a call of the Senate.

The ayes and noes being demanded by Senators Heffren and Slater of Dearborn,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Drew, Fisk, Hargrove, Heffren, Hostetler, Johnston, Mansfield, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wilson and Yaryan—20.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir and Weston—25.

So a call of the Senate was not ordered.

The question then being, shall the main question be now put?

The ayes and noes were demanded by senator Suit and Hendry.

The secretary proceeded with the call of the ayes and noes,  
Pending which,

Mr. Heffren asked to be excused from voting for the following reasons :

I ask to be excused from voting for the reason that I deem it to be wrong to ask a senator to vote when he does not want to, and believing that the minority here do not want me to vote upon this question, especially as I am one of the Democratic party, who are exceedingly desirous of having the revenue bill passed immediately and not to be postponed until the end of the session, when its passage will be endangered.

Objections being made ;

The ayes and noes were demanded by senators Fisk and Hostetler.

The secretary proceeded with the call of the ayes and noes on the question of excusing Mr. Heffren from voting.

Pending which,

Mr. Wallace asked to be excused from voting on the question of excusing Mr. Heffren from voting, for the following reasons :

My reasons for wishing to be excused from voting at this time are: The Senate has passed an appraisement bill, what my constituents most need now is the passage of a revenue bill. Until that measure is taken up, I am unwilling to vote upon any other question.

LEW. WALLACE.

Objection being made ;

The ayes and noes were demanded by senators Heffren and Hostetler.

The secretary proceeded with the call of the ayes and noes on the question of excusing Mr. Wallace from voting,

Pending which,

Mr. Hostetler asked to be excused from voting on the question of excusing Mr. Wallace from voting, for the following reasons :

"I ask leave to be excused from voting from the fact that excusing any senator from voting who if favorable to the bill is calculated to endanger its final passage, and will leave us without any revenue law for the next two years.

A. J. HOSTESLER."

Objections being made ;

The ayes and noes were demanded by senators Heffren and Slater of Dearborn.

The secretary proceeded with the call of the ayes and noes on the question of excusing Mr. Hostetler from voting on the question of excusing Mr. Wallace from voting.

Pending which,

Mr. Fisk asked to be excused from voting for the following reasons :

"I desire to be excused from voting to postpone until Saturday next at 4 o'clock, because I am anxious to have a revenue bill passed at this session, and if put off until Saturday, will be defeated by the enemies of fair legislation."

Objections being made ;

The ayes and noes were demanded by senators Wallace and Slater of Dearborn.

*Those who voted in the affirmative were,*

Messrs. Bobbs, Cravens, Hendry, Kinley, March, Miller, Stevens and Thompson—8.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Burke, Chapman, Cooper, Crouse, Ensey, Freeland, Green, Mansfield, Murray, McClure, Parker, Richardson, Rice, Suit, Weir, Wilson and Yaryan—19.

No quorum voting.

Pending the vote to excuse Mr. Fisk from voting on the question of excusing Mr. Hostetler from voting,

On motion by Mr. Murray,

The Senate adjourned.

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FRIDAY MORNING, 9 o'clock, }  
March 6th, 1857. }

The Senate met:

The journal of the preceding day was read.

Mr. Gooding moved that the Senate pass over informally all the votes and questions pending yesterday at adjournment in connection with House bill No. 326, for the purpose of taking from the files a bill of the House, "to regulate and restrain the sale of liquors."

The ayes and noes being demanded by senators Heffren and Suit,

*Those who voted in the affirmative were,*

Messrs. Brown, Chapman, Drew, Fisk, Freeland, Gooding, Green, Hargrove, Heffren, Hill, Kinley, March, Mansfield, Miller, McClure, McLean, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Wallace, Weir and Wilson—26.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Cravens, Ensey, Griggs, Hendry, Hostetler, Johnston, Murray, McCleary, Parker, Suit, Tarkington, Thompson and Weston—18.

So the motion to pass over informally prevailed ; and

House bill No. 237. A bill to regulate the sale of spirituous, vinous, malt or intoxicating liquors ;

Was read a third time.

Mr. Drew moved to recommit the bill to a select committee of five, with instructions to strike out all after the enacting clause, and insert the following :

Sec. 1. That no person shall retail spirituous liquors except for sacramental, meechanical, chemical, medicinal or culinary purposes, nor without filing with the auditor of the proper county his bond, with at least four free-hold sureties, to be approved of by said auditor, in the penal sum of not less than five hundred nor more than two thousand dollars, proportioned according to the number of inhabitants of the township, conditioned for keeping an orderly house, and for the payment of all fines, penalties or damages that may be incurred under the provisions of this act.

Sec. 2. Upon the filing of such bond, the auditor shall issue to the person filing the same a license to retail spirituous liquors, which shall be good for one year after the date of said filing, and from the day of the election at which such consent was granted to retail spirituous liquors, and shall during such year, be presumptive evidence of the right of such person to retail such liquors.

Sec. 3. The word retail in this act shall be construed to mean

the sale or barter, direct or indirect, of any quantity less than one gallon.

Sec. 4. Any person offending against the provisions of the preceding sections, shall, for each offence, be fined in any sum not exceeding two hundred dollars.

Sec. 5. A license granted under provisions of this section of this act, shall not authorize any person to retail spirituous liquors on Sunday.

Sec. 6. Any person who shall, by the retailing of spirituous liquor, cause the intoxication of any person, shall board, keep, and take care of such person, until he shall be able, without assistance, safely to return to his home; and on failure to do so, it shall be lawful for any other person to do so, or cause the same to be done, which person shall have an action against such retailer for reasonable compensation for such service, and fifty per cent. damages thereon.

Sec. 7. No municipal corporation, or board of county commissioners, shall exact or receive from any person any money under the name of license, or otherwise, for the privilege of retailing spirituous liquors.

Sec. 8. All places wherein spirituous liquors are retailed, if kept in a disorderly manner, shall be deemed common nuisances. And the keeper of any such nuisance, maintained to the annoyance, disturbance or injury of the neighborhood, shall be fined in any sum not less than twenty-five, nor more than one hundred dollars.

Sec. 9. Any wife, child, parent, guardian, employer or other person, who shall be injured in person or property, or means of support, by any intoxicated person, or in consequence of the intoxication, habitual or otherwise, of any person, shall have right of action in his or her own name, against any person and his sureties on the bond aforesaid, who shall by retailing spirituous liquor, have caused the intoxication of such person, for all damages sustained and for exemplary damages.

Sec. 10. But if it shall be made to appear in any such action, that the intoxicated person through whom damages was sustained, was procured by any other person to do such damage for the purpose of enabling suit to be brought for damage against any retailer, or that such intoxicated person committed any trespass or other unlawful act for such purpose, it shall bar recovery against such retailer.

Sec. 11. For all purposes under this act, whether to institute or prosecute the suit, to control the recovery or otherwise, a married woman shall have the same rights as if she were single.

Sec. 12. Damages recovered by a minor under this act shall be paid at the option of the court either to such minor, or to his parents, or to any guardian or next friend, recognized or appointed by the court as such.

Sec. 13. A recovery against a retailer shall be conclusive evidence against his sureties in an action upon the bond hereinbefore

provided for, both as to the right of action, and as to the amount of damages.

Sec. 14. The provisions of this act in regard to disorderly houses, and their punishment as nuisances, and penalties against the keepers thereof, shall apply to persons to whom licenses to retail spirituous liquors shall have been legally granted, during the term for which they shall have been granted.

Sec. 15. All contracts made for the performance of any obligation, or for the sale or exchange of any property, real or personal, by any person who at the time of such contract is in a state of intoxication, rendering him incapable of making a contract, shall be voidable at the option of such intoxicated person.

Sec. 16. All persons or houses wherein spirituous liquors shall be sold or bartered, directly or indirectly, without license, in less quantity than one gallon, or suffered or allowed to be drunk in or about such place, house, out house, yard, or appurtenance thereto, be and the same are hereby declared to be common and public nuisances, and all persons keeping and maintaining such nuisances as aforesaid, shall, upon conviction thereof, be fined in any amount not less than ten dollars nor more than one hundred dollars.

Sec. 17. It shall be the duty of the proper prosecuting or district attorney, when informed of the existence of any such nuisance as defined and designated by this act, immediately to institute legal proceedings against any person or persons keeping and maintaining such nuisance, and on his failure to commence and faithfully prosecute such nuisance, he shall be fined in any sum not less than ten dollars, nor exceeding twenty five dollars, by any court having competent jurisdiction.

Sec. 18. All laws on the subject of retailing intoxicating or spirituous liquors heretofore enacted are hereby repealed—but all offenses against such laws shall be punished as if such laws had not been repealed.

Sec. 19. It is declared that an emergency exists requiring the enactment hereby made that this act shall be in force from and after its passage and publication in the Indiana Journal and Indiana State Sentinel.

Mr. Ensey moved to further instruct the committee to strike out of the bill, in connection with the bond named, "five hundred dollars," and insert "one thousand dollars."

Mr. Freeland moved to further instruct the committee to strike out of the bill, all that relates to the granting of license.

The motion to recommit with instructions did not prevail.

Mr. March moved to recommit the bill to a select committee of three, with instructions to add the following section :

Sec. 22. The Secretary of State shall immediately publish a certified copy of this act in the Indiana State Sentinel and Indiana State Journal, and also forward such certified copy to the office of each of the clerks of the circuit courts of this State, such clerks shall immediately upon the reception of such copy, forward a certificate to the Governor of the time of the filing of this act in his office, and when such certificate has been received from all the counties of this State, the Governor shall publish his proclamation stating such fact, which shall be received in evidence in all the courts in this State of the fact of such filing.

Which was not agreed to.

Mr. Richardson moved to recommit the bill to a select committee with instructions to amend, "So that any person may sell without license in any quantity not less than one gallon, for legitimate purposes, and not to be drunk about the house or upon the premises where such liquor shall be sold."

Pending which,

Mr. Weir moved to indefinitely postpone the further consideration of the bill and pending instructions.

The ayes and noes being demanded by Messrs. Gooding and Weir.

*Those who voted in the affirmative were,*

Messrs. Blair, Bobbs, Cravens, Drew and Parker—5.

*Those who voted in the negative were,*

Messrs. Alexander, Bearss, Brown, Burke, Chapman, Cooper, Ensey, Fisk, Freeland, Gooding, Green, Griggs, Hargrove, Heffren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Miller, Murray, McClure, McLean, Richardson, Rice, Rugg, Slater of Dearborn, Slater of Johnson, Stevens, Smit, Tarkington, Thompson, Wallace, Weir and Yaryan—37.

So the bill and pending instructions were not indefinitely postponed.

The question then recurred on recommitting the bill with the instructions proposed by Mr. Richardson.

Mr. Green called for a division of the question.

The question then being shall the bill be recommitted?

The ayes and noes being demanded by senators Johnston and Heffren.

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Cooper, Drew, Hargrove, Heffren, Hostetler, Johnston, March, Mansfield, Mcleary, McClure, Richardson, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Wallace and Yaryan—19.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cravens, Ensey, Fisk, Freeland, Gooding, Green, Griggs, Hendry, Hill, Kinley, Miller, Murray, McLean, Parker, Rice, Rugg, Sage, Tarkington, Thompson, Weir and Wilson—26.

So the motion to recommit did not prevail.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Brown, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Fisk, Freeland, Gooding, Green, Griggs, Hargrove, Hendry, Hill, Miller, Murray, McLean, Rice, Rugg, Sage, Slater of Johnson, Tarkington, Thompson, Wallace, Weir, Weston and Wilson—28.

*Those who voted in the negative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Drew, Heffren, Hostetler, Johnston, Kinley, March, Mansfield, McCleary, McClure, Parker, Richardson, Slater of Dearborn, Stevens, Suit, and Yaryan—19.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

A message from the House by Mr. Campbell, an enrolling clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to bring to the Senate for the signature of the President thereof, enrolled bill of the House,



No. 178. An act to prevent emigration from any other State into this State, or from one county or township in this State into another county or township into this State, for the purpose of influencing or carrying the election in such other county or township, and prescribing penalty against persons aiding, abetting, counseling or engaged therein.

The President signed the bill.

By unanimous consent,  
The order of business was suspended, and,  
Mr. Sage, from a select committee, made the following report:

MR. PRESIDENT:

The select committee appointed on the part of the Senate to act with a similar committee on the part of the House, to apportion the State into senatorial and representative districts, beg leave to report that they have had four meetings, and have labored hard to accomplish the object designed, but have found it impossible to agree upon a bill; they therefore ask to be discharged from a further consideration of the subject.

The report was concurred in.

Mr. Heffren moved that the Senate pass over informally the votes and questions pending connection with House bill No. 326 for the purpose of taking from the files Senate bill No. 150.

The ayes and noes being demanded by senators Heffren and Bearss,

*Those who voted in the affirmative were,*

Messrs. Burke, Crouse, Drew, Fisk, Freeland, Hargrove, Heffren, Hendry, Miller, McCleary, McClure, McLean, Richardson, Rice, Rugg, Stevens, Tarkington, Wallace, Weir, Weston and Wilson—21.

*Those who voted in the negative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Chapman, Cooper, Cravens, Ensey, Green, Griggs, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Murray, Parker, Sage, Slater of Dearborn, Slater of Johnson, Suit, Thompson and Yaryan—24.

So the motion to pass over informally did not prevail.

Mr. Tarkington moved to pass over informally the votes and questions pending in connection with House bill No. 326, for the purpose of taking up message from the House in relation to the bill for the appraisement of the real property in the State.

The ayes and noes being demanded by senators Hendry and Griggs,

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Brown, Drew, Fisk, Gooding, Hargrove, Heffren, Hostetler, Johnston, March, Mansfield, Miller, McCleary, McClure, McLean, Richardson, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Tarkington, Wallace and Wilson—25.

*Those who voted in the negative were,*

Messrs. Bearss, Bobbs, Burke, Chapman, Cooper, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, Murray, Parker, Rice, Suit, Thompson, Weston and Yaryan—20.

So the motion to pass over informally prevailed ; and

The following message from the House was taken up :

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in engrossed amendment of the Senate to engrossed bill of the House No. 21. A bill to appraise the real estate of the State of Indiana, and to make such appraisement uniform throughout the State, with an engrossed amendment of the House thereto.

In which the concurrence of the Senate is respectfully requested.

Amend the bill, by striking out all after the words "that the board," in section first, and inserting the original House bill on the same subject.

The question being shall the engrossed amendment of the House to House bill No. 21, contained in the foregoing message, be adopted ?

It was decided in the negative.

*Ordered,* That the Secretary inform the House thereof.

Mr. Gooding was granted leave of absence to return to his home.

Mr. Bobbs was granted leave of absence for to-day.

Mr. Freeland moved to pass over informally the votes and questions pending in connection with House bill No. 326, for the purpose of taking from the files Senate bill No. 103.

The ayes and noes being demanded by senators Tarkington and Alexander,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Fisk, Freeland, Green, Hendry, Hill, Johnston, Kinley, March, Miller, Murray, McLean, Rice, Rugg, Stevens, Thompson, Weir and Wilson—25.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Ensey, Hargrove, Heffren, Hostetler, Mansfield, McClure, Parker, Rehardson, Slater of Dearborn, Slater of Johnson, Suit, Tarkington and Wallace—15.

So the motion to pass over informally prevailed; and before the bill was taken from the files,

On motion by Mr. Alexander,  
The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

In accordance with the order of the Senate before adjournment,

Senate bill No. 103. A bill to provide for the redemption or purchase of the bank bonds, and Indiana and other State stocks, and the United States stocks, providing for the manner of doing the

same and defining the duties of certain officers in connection therewith,

Was taken from the files, and,

On motion by Mr. Burke,

Laid on the table.

Mr. McLean moved that the Senate pass informally over the votes and questions pending, in connection with House bill 326, for the purpose of taking from the files House bill No. 134.

Which was agreed to ; and

House bill No. 134. An act to amend the first section of an act entitled "an act providing for the incorporation of bridge companies," approved March 9, 1852, so as to authorize bridge companies to construct embankments across low bottoms, receive toll, and obtain the right of way ;

Was read a third time.

The question being shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Brown, Burke, Chapman, Cooper, Cravens, Ensey, Fisk, Freeland, Green, Griggs, Hargrove, Heffren, Hendry, Hill, Hostetler, Johnston, March, Mansfield, Miller, Murray, McCleary, McClure, McLean, Parker, Richardson, Rice, Rugg, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Weir, Weston and Wilson—37.

No senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Mr. Rice moved that the Senate pass informally over the votes and questions pending, in connection with House bill No. 326, for the purpose of taking from the files House bill No. 267.

Which was agreed to ; and

House bill No. 267. A bill to enable railroad companies to alter the line of railroads, when sufficient stock cannot be raised to complete the same according to the original design thereof ;

Was read a third time.

The question being shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Burke, Chapman, Cooper, Cravens, Crouse, Drew, Ensey, Freeland, Green, Griggs, Hargrove, Heffren, Hill, Johnston, March, Mansfield, McCleary, McClure, McLean, Parker, Richardson, Rice, Rugg, Sage, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Weir, Weston, Wilson and Yaryan—37.

*Those who voted in the negative were,*

Messrs. Brown, Fisk, Hendry, Hostetler, Johnston, Slater of Dearborn and Thompson—7.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Mr. Murray moved to reconsider the vote just taken by which House bill 267 was passed.

Which was agreed to.

On motion by Mr. Rice,  
The vote ordering the bill to a third reading was reconsidered.

On motion by Mr. Rice,  
The bill was referred to a select committee of three.

Senators Rice, Ensey and March were appointed said select committee.

Mr. Miller moved to pass over informally the votes and questions pending in connection with House bill No. 326, for the purpose of taking from the files House joint resolution No. 21.

Which was agreed to; and

House joint resolution No. 21. A joint resolution for the relief of Henry P. Rowan, swamp land treasurer of Pulaski county;  
Was read a second time.

Mr. Miller moved to suspend the rules and read the joint resolution a third time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Brown, Burke, Chapman, Cooper,

Cravens. Crouse, Drew, Ensey, Fisk, Freeland, Green, Hendry, Hill, Johnston, March, Mansfield, Miller, Murray, McClure, McLean, Parker, Richardson, Rice, Sage, Stevens, Suit, Tarkington, Thompson, Wallace, Weir, Weston, Wilson and Yaryan—35.

*Those who voted in the negative were,*

Messrs. Bearss, Heffren, Hostetler, McCleary and Rugg—5.

So the rules were suspended and the joint resolution was read a third time.

The question being shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Blair, Brown, Burke, Chapman, Cooper, Crouse, Drew, Ensey, Fisk, Green, Griggs, Heffren, Hendry, Hill, Hostetler, Johnston, March, Mansfield, Miller, Murray, McCleary, McClure, McLean, Parker, Richardson, Rice, Rugg, Sage, Stevens, Suit, Thompson, Wallace, Weir, Weston, Wilson and Yaryan—36.

*Those who voted in the negative were,*

Messrs. Alexander, Bearss and Freeland—3.

So the joint resolution passed.

*Ordered,* That the Secretary inform the House thereof.

Mr. Alexander moved that the Senate pass informally over the votes and questions pending in connection with House bill No. 326 for the purpose of taking from the files House bill No. 308.

Which was agreed to.

House bill No. 308. A bill relative to the printing, binding and distribution of the session acts, House, Senate and Documentary Journals, declaring who shall be entitled to a copy of the same, authorizing the Secretary of State to dispose of copies of acts by sale, when called for, and allowing such Secretary a compensation for superintending such printing, binding and distribution;

Was read a second time.

Mr. Alexander moved to suspend the rules and read the bill a third time now.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Brown, Burke, Chapman, Cooper, Crouse, Ensey, Fisk, Freeland, Green, Hargrove, Heffren, Hill, Hostetler, Johnston, March, Mansfield, Miller, Murray, McCleary, McClure, McLean, Parker, Rice, Rugg, Sage, Slater of Johnson, Stevens, Tarkington, Thompson, Wallace, Weir, Weston, Wilson and Yaryan—37.

Mr. Hendry voting in the negative.

So the rules were suspended and the bill read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Brown, Burke, Chapman, Cooper, Crouse, Drew, Ensey, Fisk, Griggs, Heffren, Hostetler, Johnston, Mansfield, Miller, Murray, McLeary, McClure, Parker, Richardson, Rice, Rugg, Sage, Slater of Johnson, Suit, Tarkington, Wallace, Weir, Weston, Wilson and Yaryan—32.

*Those who voted in the negative were,*

Messrs. Bearss, Cravens, Freeland, Green, Hargrove, Hendry, Hill, Kinley, March, Slater of Dearborn, Stevens and Thompson—12.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Mr. Yaryan moved that the Senate pass over informally the votes and questions pending in connection with House bill No. 326, for the purpose of taking up House bill No. 104, and placing on the files.

The ayes and noes being demanded by senators Heffren and Slater of Dearborn,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Brown, Burke, Cravens, Crouse, Drew, Ensey, Freeland, Green, Hill, Johnston, Murray, McCleary, Parker, Rice, Rugg, Sage, Stevens, Tarkington, Thompson, Wallace, Weir, Weston and Yaryan—25.

*Those who voted in the negative were,*

Messrs. Alexander, Fisk, Hargrove, Heffren, Hendry, Hostetler, Kinley, March, Mansfield, McClure, Richardson, Slater of Dearborn, Slater of Johnson and Suit—14.

So the motion to pass over informally was agreed to; and

House bill No. 104. A bill to repeal section 10 of an act entitled "an act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of judges thereof," approved June 11, 1852.

Was taken from the table and placed on file.

On motion by Mr. March,

The Senate again passed informally over the pending votes and questions in connection with House bill No. 326, and Mr. March made the following report from the committee on judiciary :

MR. PRESIDENT :

The undersigned members of the committee on the judiciary, to whom was referred the bill to repeal the 10th section of the act creating the court of conciliation ask leave to report that they cannot concur in opinion with those members of the committee who recommend the passage of the bill.

The 9th section of article 7 of the constitution provides for the establishments of courts of conciliation. By the ordinary rules of constitution this section makes the establishment of such court an imperative duty. In obedience to this injunction the legislature of 1852, passed the act of which the section proposed to be repealed, forms a part, and in our opinion, an important and essential part, for it affords parties to an impending lawsuit the strongest motive for attempting an amicable settlement of the matters in difference. In the settlement of a controversy the first step is the most difficult, and once taken, the final adjustment follows almost as a necessary consequence.

All admit that litigation is a great evil, that it levies a heavy tax on the parties and the public, and stirs up strife without producing any corresponding good in return. Why then should the only provision in the statute calculated to prevent litigation be repealed? From the people we hear of no complaints against the law, or the 10th section of the law. The dislike to it is confined chiefly to those who are interested in increasing rather than discouraging litigation, or who have felt it as a barrier in the way of malicious and groundless prosecutions. We perceive no reasonable ground of objection to the provision which requires such party to pay his own cost, when no attempt is made for a settlement.

At common law each party paid his own cost, and it is only by statute that the successful party recovers cost. It seems to us better



policy and more in accordance with justice, that a party who is unwilling to take any steps to bring about a settlement should pay his own cost, irrespective of the decision of the case, than that the successful party, at the end of a lawsuit should in all cases recover full cost.

This court is a new feature in the administration of law in this State and was adopted for the purpose of discouraging litigation and gradually introducing a more quiet and less expensive method of settling difficulties between citizens than the employment of lawyers, clerks, sheriffs, witnesses, judges, and juries, although an experiment wherever it has had a fair trial it has succeeded better than was anticipated. In some sections of the State an action for slander and malicious prosecution is almost an "obsolete idea," and when brought into court excites nearly as much curiosity as would a trial for witchcraft, or a judge dressed in a big wig and gown and escorted through the streets by a company of tipstares, constables, and bumbailiffs. Ample proof of the decrease in the number of actions of this character can be found in the late volumes of the reports of the supreme court. If any change is to be made, instead of the repeal of the 10th section, we should prefer an extension of the provisions of the entire act, to all classes of cases. Let this be done, and the conciliation judge prohibited from practicing law in any court, and we think that litigation in the manner and to the extent it now exists would gradually be gathered with the things of the past, among the cast off habilaments of a progressive civilization. While ample power should be given to the courts to enable parties to enforce and protect their rights, the administration of the law should be in the spirit of peace and reconciliation. With the exception of three pages devoted to this court every leaf of the statute bristles with provisions for strife and litigation.

We cannot consent that this small white flag of peace, floating from the frowning battlements of legal warfare and surrounded by its gathered arms and ensigns, shall be diminished by a single thread, for it invites to armistice, reconciliation, and peace.

J. J. ALEXANDER,  
A. W. HENDRY,  
R. W. FISK,  
ANDREW R. McLEARY,  
WALTER MARCH.

Mr. Bearss moved that the Senate pass informally over the votes and questions pending in connection with House bill No. 326, for the purpose of taking from the files House bill No. 272.

Which was agreed to; and

House bill No. 272. An act to prevent market houses from being built upon the steets of towns and cities, without the consent of

two third thirds of the owners of lots on such streets and to authorize the removal of the same ;

Was read a third time.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Burke, Chapman, Cooper, Crouse, Fisk, Green, Heffren, Hendry, Hill, Kinley, Miller, Murray, McClure, Parker, Richardson. Rice, Sage, Stevens, Suit, Thompson, Wallace, Weir, Wilson and Yaryan—26.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Fisk, Griggs, Hostetler, Johnston, March, Mansfield, McLean, Slater of Dearborn, Slater of Johnson and Tarkington—13.

So the bill passed.

*Ordered.* That the Secretary inform the House thereof.

By unanimous consent,

On motion by Mr. Wallace,

*Resolved,* That the Auditor of State be instructed to report to the Senate, forthwith, a copy of any communication he may have received, touching the legality of certificates issued, or purporting to have been issued, by the present Agent of State in January and February last.

Mr. Parker moved that the Senate pass over informally the votes and questions pending in connection with House bill No. 326, for the purpose of taking from the files House bill No. 167.

Which was agreed to ; and

House bill No. 167. A bill to apportion senators and representatives in the State of Indiana ;

Was taken from the files.

By unanimous consent,

On motion by Mr Hill,

House bill No. 224. An act for the relief of persons who have borrowed money from the sinking fund of this State;

Was taken from the files and read a third time.

The question being, shall the bill pass,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Brown, Burke, Chapman, Cooper, Cravens, Drew, Eusey, Fisk, Freeland, Green, Griggs, Hargrove, Heffren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Miller, Murray, McClure, McLean, Rice, Sage, Stevens, Tarkington, Thompson, Wallace, Weir, Weston, Wilson and Yaryan—38.

*Those who voted in the negative were,*

Messrs. Richardson, Rugg and Suit—3.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Mr. Tarkington moved to pass informally over the votes and questions pending in connection with House bill No. 326, for the purpose of taking up the following communication from His Excellency, the Governor.

Which was agreed to; and

The following message from His Excellency, the Governor, was taken up:

MR. PRESIDENT:

I am directed by the Governor to deliver the following message to the Senate:

*“ Gentleman of the Senate :*

*“ The accompanying communication from the Hon. Stephen A. Benson, President of the Republic of Liberia, with a copy of the joint resolution of the Legislature of Liberia, have been this day received by, and they are hereby submitted to your consideration.*

*ASHBEL P. WILLARD.”*

GOVERNMENT HOUSE, }  
Monrovia, January 10th, 1857. }

*His Excellency,* GOVERNOR WRIGHT:

SIR:—I have the honor to enclose herewith, to your Excellency's address, the copy of a resolution passed by the Legislature of Liberia at this session, responsive to your communication of 19th April,

1855, addressed to the President of this Republic, on matters connected with the future operation of the Indiana State Colonization Society. Your Excellency will perceive in the resolution, that the Legislature have stated the price of lands per acre (marshy lands excepted) for the purpose set forth in your communication, between one and five dollars, at the discretion of the Executive. And as I am no less impressed with the propriety now, than I was years ago, that the government of Liberia should co-operate cordially with the colonization societies in the prosecution of the great work of colonizing the free people of color of the United States to this land with their free. I feel disposed in carrying out this resolution to do all I can to facilitate the operations of your society; and I beg to inform your Excellency that wild lands of mixed quality—such as are usually drawn by emigrants or sold to old settlers by government—can be bought of this government by your society (provided no less than one thousand acres are paid for, at any one time,) at the rate of one dollar and fifty cents per acre, and this government defray all expenses of surveying the same, and executing deed in fee simple, &c., &c., to the immigrants. Or if this government is exemplified from all expense (it being borne by your society) the price per acre will be one dollar, which is the minimum price mentioned in the resolution.

In connection with this subject, I beg to inform your Excellency that the settlement of Robertspoor, at Grand Cape Mount, is now permanently established, and it is a very interesting section of this Republic to immigrants, and I beg further to assure your Excellency that this government stands ready to carry out the provisions of the resolution already alluded to, whenever it shall be your pleasure, and further that in case this government shall find it necessary to make any alteration in the price of the lands from what I now state in this communication, notice thereof will be given your society at least six months before such alteration shall go into effect.

I have the honor to be,

Your Excellency's most ob't servant,

STEPHEN A. BENSON.

A joint resolution authorizing the President to furnish the American Colonization Society premium lands for emigrants.

WHEREAS, Application has been made to this government by the Indiana State Colonization Society, to negotiate for the purchase of large tracts of lands for the purpose of distributing the same as bounty lands to persons emigrating from that State to Liberia, as an additional premium to the grants already allowed by this government to emigrants coming to this country, and as this government is solicited to encourage the emigration of enterprising men of color to this country, by the employment of all proper means, therefore it is

SEC. 1. *Resolved by the Senate and House of Representatives of*

*the Republic of Liberia in Legislature assembled*, That from and after the passage of this resolution, the President shall have authority to negotiate with any of the colonization societies desiring it, to furnish them at a stipulated price, not exceeding five dollars nor less than one per acre, (marshy lands excepted) with any quantity of farm lands which they may require for the use of emigrants, as an inducement for them to emigrate.

Sec. 2. Certificates shall be granted to the society or societies purchasing lands according to the provision of this resolution, acknowledging the receipt of the purchase money for which credit has been granted on the book of the treasury department for the quantity of land purchased; which lands are to be deeded to emigrants on presentation of certificates signed by the proper officer of the society making the purchase.

Sec. 3. And further, the President shall exercise his discretion, whether the lands disposed of agreeably to the regulations herein provided, shall be particularly designated, or whether the quantity purchased be merely stated, to be decided by the choice of the emigrants out of any unappropriated lands; it being provided, nevertheless that no land shall be so certified or conveyed away, under these provisions, as to give any colonization society the exclusive right or privilege of settling any farm or village, by having possession of all the farm lands of any village or adjacent to any town.

M. A. RAND,

*Speaker of the House of Representatives.*

BEVERLY PAGE YATES,

*President of the Senate, V. P. R. S.*

Approved December 23d, 1856.

STEPHEN A. BENSON.

On motion by Mr. Murray,

The communication and accompanying resolutions were referred to the committee on federal relations.

A message from His Excellency, the Governor, by Mr. Osbourne, executive messenger.

MR. PRESIDENT :

I am directed by his Excellency the Governor, to lay before the Senate the following message and accompanying documents.

*Gentlemen of the Senate :*

The Honorable William L. Dayton and J. F. D. Lanier, Esq., have addressed a letter of the date of March 6th, 1857, with an accompanying memorial, signed by Messrs. Palmer, Mackillop, S. J.—45

Dent & Co., and others of the London committee for the conversion of the debt of Indiana; George Peabody, of Washington, and said Lanier and others, committee in behalf of American holders, to me, as Governor of the State, asking that said memorial should be presented to the legislature of the State, and through you to the people you represent. The memorial is respectful in its character, and is an appeal to the citizens of Indiana to consider their relation to the State of Indiana, to all of which they ask the respectful consideration of the legislature and the citizens you represent.

ASHBEL P. WILLARD.

To His Excellency A. P. WILLARD,

*Governor of the State of Indiana:*

SIR:—The undersigned have been appointed by the committees of the holders, both foreign and domestic, of the stock of the Wabash and Erie Canal, to present to your excellency, and through you to the legislature and people of Indiana, a memorial touching the rights and interests of said stockholders, under the act of the 19th of January, 1846, and its supplement of the 27th January, 1847.

The delay in the presentation of this memorial to a period so near the close of the present session of the legislature, has arisen from facts over which the memorialists have no control.

The report of the Trustees of the Wabash and Erie Canal for the year 1856, was essential to the full preparation of the memorial, and its subsequent transmission to London for signature, and the return thereof, have precluded the possibility of presenting the same at an early day.

The undersigned likewise beg to state to your excellency that they have in their possession, for inspection, a list or schedule of the shareholders in the said Wabash and Erie Canal, more especially represented by the names of the committees attached to the memorial; from which list it will appear that the shares are the property of persons in all the varied conditions of life; that they have not generally passed into the hands of dealers and speculators, but remain in the possession of those who originally made the instruments or their personal representatives.

We now, in their behalf, formally present to your excellency the memorial with which we are charged; and we respectfully ask that you will submit the same to the legislature now in session.

It is due, however, to the memorialists, that we state in advance that they do not seek any definitive or final action upon the subject at this time. The interests involved are heavy, and the subject in its various bearings, not perhaps generally understood. We only ask, therefore, for the memorialists a fair hearing, and that all the facts may be known and reflected upon by the voters and taxpayers of the State of Indiana; and if, as is contended, the State has au-

thorized railroads which not only interfere with, but utterly destroy the canal as a security to the bondholders—if this has been done against the original understanding of the parties, and in violation of the spirit as well as the letter of the acts of transfer, it cannot be that the just minded people of Indiana will fail in the end to afford a remedy for the wrong.

It cannot be that the State, in the midst of her prosperity and abundance, will be less just and liberal to her creditors than she intended to be when pressed down by financial distress and suffering under pecuniary embarrassments.

J. F. D. LANIER,  
WM. L. DAYTON.

Indianapolis, March 6, 1857.

Mr. Cravens moved to refer the memorial to the committee on canals and internal improvements, with instructions to print 500 copies.

Which was agreed to.

Mr. Heffren, from the select committee appointed to investigate the charges of corruption and fraud in the late annual message of his ex-excellency, Gov. Joseph A. Wright, made the following report:

MR. PRESIDENT:

The select committee to which were referred the charges in the late message of Gov. Wright upon the subject of the bank, in compliance with a resolution adopted by the Senate, herewith report the evidence thus far taken.

The committee hesitate in giving an opinion upon the facts, thus laid before the Senate, from the conviction that all the evidence in the case is not yet completed.

Much important testimony has been taken; nevertheless many witnesses whose testimony we are convinced is very important, have been subpoenaed who have not attended—others have not been examined for want of time, and because of the press of official duties.

It is the unanimous opinion of your committee, that in justice to the subject, to the late Governor and to the bank, further time should be allowed the committee to complete the testimony. They therefore submit for adoption the following resolution:

*Resolved*, That the select committee on the subject of the bank, as connected with the charges in the late message of Gov. Wright are hereby authorized to extend their labors to a period not exceeding two weeks and within sixty days after the adjournment of the Legislature, to meet at such time as they may agree upon, with full power to compel the attendance of witnesses; and when the

investigation shall be completed, they shall print 5,000 copies of the testimony and reports, under the direction of the clerk of the committee, who shall forward five copies of the same to the address of each member and officer of the present General Assembly, deposit 500 copies in the State Library, and the remaining copies with the Secretary of State, to be by him distributed throughout the State with the acts and journals of this session.

Mr. Heffren, from the same select committee, made the following report :

MR. PRESIDENT :

The bank investigating committee—a select committee of the Senate—recommend that provision be made in the specific appropriation bill for the payment of the following claims.

That for attendance as witnesses before the bank investigating committee—a select committee of the Senate—the following appropriations be made :

To Joseph W. Chapman—		
For 3 days attendance.....	\$6 00	
For mileage, 172 miles .....	8 60	
		\$14 60
To Washington C. DePauw—		
For 10 days attendance .....		20 00
To Isaac Hutchinson—		
For 5 days attendance.....	\$10 00	
For 390 miles travel .....	19 50	
		29 50
To Richard Raleigh—		
For 4 days attendance .....	\$8 00	
For mileage, 390 miles .....	19 50	
		27 50
To A. W. Hubbard—		
For 1 days attendance.....	\$2 00	
For mileage, 80 miles .....	4 00	
		6 00
To J. L. Menaugh—		
For 4 days attendance .....	\$8 00	
For 560 miles travel .....	28 00	
		36 00
To Thomas L. Smith—		
For 15 days attendance.....	\$30 00	
For mileage, 224 miles.....	11 20	
		41 20



To D. G. Rose—			
	For 5 days attendance.....	\$10 00	
	For mileage, 300 miles ...	15 00	
		<hr/>	25 00
To Austin M. Puett—			
	For 4 days attendance.....	\$8 00	
	For 130 miles travel .....	6 50	
		<hr/>	14 50
To W. G. Coffin—			
	For 3 days attendance.....	\$6 00	
	For mileage, 130 miles .....	6 50	
		<hr/>	12 50
To John S. Davis—			
	For 10 days attendance.....		20 00
To Lot Day, Jr.—			
	For 6 days attendance.....	\$12 00	
	For 400 miles travel .....	20 00	
		<hr/>	32 00
To C. W. Seeley—			
	For 6 days attendance.....	\$12 00	
	For 423 miles travel .....	21 15	
		<hr/>	33 15
To John Hunt—			
	For 2 days attendance.....	\$4 00	
	For 136 miles travel .....	6 80	
		<hr/>	10 80
To John W. McDunn—			
	For 3 days attendance.....	\$6 00	
	For 172 miles travel .....	8 60	
		<hr/>	14 60
To M. A. Malotte—			
	For 3 days attendance.....	\$6 00	
	For 140 miles travel .....	7 00	
		<hr/>	13 00
To John Briggs—			
	For 3 days attendance.....	\$6 00	
	For 224 miles travel .....	11 20	
		<hr/>	17 20
To G. F. Savity—			
	For 2 days attendance.....	\$4 00	
	For mileage, 216 miles .....	10 80	
		<hr/>	14 80

To Samuel Bayard—			
	For 4 days attendance.....	\$8 00	
	For 384 miles travel .....	19 20	
		<hr/>	27 20
To B. F. Murphy—			
	For 3 days attendance.....	\$6 00	
	For 100 miles travel .....	5 00	
		<hr/>	11 00
To Miles Murphy—			
	For 3 days attendance.....	\$6 00	
	For 100 miles travel .....	5 00	
		<hr/>	11 00
To Benjamin Newland—			
	For 1 days attendance.....		2 00
To Cornelius Ratliff—			
	For 2 days attendance.....	\$4 00	
	For 136 miles travel ..	6 80	
		<hr/>	10 80
To P. M. Kent—			
	For 10 days attendance.....	\$20 00	
	For 224 miles travel .....	11 20	
		<hr/>	31 20
To John L. Robinson—			
	For 10 days attendance.....	\$20 00	
	For 92 miles travel .....	4 50	
		<hr/>	24 50

Also, that George A. McDonald, sergeant-at-arms, be allowed for subpoenaing witnesses the same fees that sheriffs are allowed by law for similar services, to be certified by the chairman of the committee.

Also, that the clerk of the committee be allowed \$4 00 per day for the term of his actual service as such clerk, to be certified by the chairman of the committee.

HORACE HEFFREN,  
*Chairman of Committee.*

COMMITTEE ROOM, March 5, 1857.

The question being, shall the resolution contained in the first report of the committee be adopted?

It was agreed to.

On motion by Mr. Freeland,

The further consideration of the resolution contained in the report was postponed till Monday next.

Mr. Weir moved that the Senate pass informally over the votes

and questions pending on House bill No. 326, for the purpose of taking from the files House bill No. 199.

Which was agreed to, and

House bill No. 199, "an act to authorize the State of Indiana to maintain the Calumet Feeder Dam, and securing the use of the waters of the Calumet river, and providing for the manner of assessing damages sustained by the citizens of Indiana by the erection thereof, and regulating the draining of swamp lands adjacent to the Calumet river, in the State of Indiana."

Was read a third time.

On motion by Mr. Weir,

The following amendments to the bill were unanimously adopted:

Amend first, by striking out from the bill the word "ten," wherever it occurs, and insert instead thereof the word "five."

Amend second, by striking out in line 25, section 3rd, the word "and," and insert instead thereof the word "or."

Amend third, by striking out section 15 and inserting the following:

Sec. 15. Each and every person or persons who have purchased any swamp lands since the erection of said dam, and which lands are overflowed or injured in consequence of the erection of said dam in an ordinary stage of water, shall be entitled to receive, by way of damages, the sum of one dollar and twenty-five cents per acre for such land so overflowed or injured, and ten per cent. interest per annum thereon until paid, and no more; and all such person or persons shall be severally limited in quantity to the actual amount included in the government survey, as made by the United States.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Brown, Burke, Chapman, Crouse, Drew, Ensey, Freeland, Gooding, Green, Griggs, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Murray, McCleary, McClure, McLean, Parker, Rice, Rugg, Sage, Stevens, Suit, Tarkington, Thompson, Wallace, Weir, Weston, Wilson and Yaryan—37.

No senator voting in the negative.

So the bill passed.

*Ordered,* That the secretary inform the House thereof.

By unanimous consent,

On motion by Mr. Tarkington,

House bill No. 320, "a bill providing for the transfer of scholarships in the Indiana University, for a valuable consideration,"

Was taken from the files and read a third time.

The question being shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Brown, Chapman, Cooper, Cravens, Crouse, Drew, Ensey, Freeland, Gooding, Green, Griggs, Hargrove, Heffren, Hendry, Hill, Hostetler, Kinley, March, Mansfield, Murray, McCleary, McClure, Parker, Richardson, Rice, Rugg, Sage, Stevens, Suit, Tarkington, Thompson, Wallace, Weir, Weston, Wilson and Yaryan—39.

*Those who voted in the negative were,*

Messrs. Burke and Johnston—2.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

By unanimous consent,

On motion by Mr. Bearss,

The following message from the House was taken up :

A message from the House by Mr. Bowes, their clerk :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate, viz :

No. 56. A bill to provide for the relief and support of married women when deserted by their husbands, and of children when deserted by their parents, by the sale of property,

With one engrossed amendment thereto;

In which the concurrence of the Senate is respectfully requested.

Amend by striking out section four of said bill and inserting the following :

Sec. 4. Inasmuch as there is now no law in force granting the relief desired, it is deemed that an emergency exists for the immediate taking effect of this act, and it shall, therefore, be in force from and after its passage.

The question being, will the Senate concur in the engrossed amendment of the House to Senate bill No. 56, contained in the foregoing message?

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Burke, Brown, Chapman, Cooper, Cravens, Crouse, Drew, Ensey, Freeland, Green, Griggs, Hargrove, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Miller, Murray, McCleary, McClure, Parker, Rice, Rugg, Sage, Stevens, Suit, Tarkington, Thompson, Wallace, Weir, Wilson and Yaryan—40.

*Those who voted in the negative were,*

Messrs. Gooding, Heffren and Richardson—3.

So the amendment was adopted.

*Ordered,* That the Secretary inform the House thereof.

By unanimous consent,

On motion by Mr. Green,

The following message from the House was taken up :

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House insists on its engrossed amendment to engrossed amendment of the Senate to engrossed bill of the House No. 21, "an act to appraise the real estate of the State of Indiana, and to make such appraisment uniform throughout the State;" and that Messrs. Schermerhorn, Moon and Williams of Knox, have been appointed a committee of free conference on the part of the House.

On motion,

The Senate refused to concur in the engrossed amendment of the House to the engrossed amendment of the Senate to House bill No. 21, contained in the foregoing message, and

Messrs. Green, Burke and Tarkington were appointed a committee of free conference on the part of the Senate.

*Ordered,* That the secretary inform the House thereof.

By unanimous consent,

On motion by Mr. Heffren,

House bill No. 210. An act to amend the 26th section of an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof." approved May 14, 1852;

Was taken from the files and read a second time, and passed to a third reading on to-morrow.

By unanimous consent,

Mr. Drew, from a select committee, made the following report :

MR. PRESIDENT :

The select committee, to whom was referred House bill No. 213, "A bill to repeal all general laws now in force for the incorporation of cities, to prescribe their powers and rights, and the manner in which they shall be governed," have had the same under consideration, and have directed me to report the same back and respectfully recommend its passage.

The report was concurred in and the bill passed to a second reading.

By unanimous consent,

Mr. March, chairman of the committee on finance, made the following report :

MR. PRESIDENT :

The committee on finance, to whom was referred House bill No. 89, "a bill to provide greater security of the State entrusted to the management of the Agent of State, prescribing certain additional duties for the Agent and Auditor of State, and imposing certain penalties for the neglect thereof," have had the same under consideration, and directed me to report the same back and recommend its passage.

The report was concurred in, and House bill No. 87, contained therein, was ordered to a third reading on to morrow.

By unanimous consent,

Mr. Rugg, from a select committee, made the following report :

MR. PRESIDENT :

The select committee, to whom was referred House bill No. 305, "An act to change the time of holding courts in the tenth judicial circuit, and to extend the terms in Allen county, and providing additional compensation to the judge thereof," have had the same

under consideration, and direct me to report the same back to the Senate without amendment and recommend its passage.

The report was concurred in and the bill ordered to a third reading on to-morrow.

By unanimous consent,

Mr. Rugg, from a select committee, made the following report :

MR. PRESIDENT :

The select committee to whom was referred House bill No. 263, "An act declaring John O'Brien a brother of Michael O'Brien deceased, and the children of a deceased sister of Michael O'Brien deceased, heirs at law of the said Michael O'Brien deceased, and capable of inheriting his real estate in Indiana," have had the same under consideration, and have directed me to report the same back, with the following amendment, and when it is so amended to recommend its passage :

Amend by adding, "Provided however, that this act shall not in any way affect any title, if any may have been acquired, by any person or persons other than those named in this act."

The report was concurred in, the amendment adopted and the bill passed to a third reading on to-morrow.

By unanimous consent,

Mr. Blair, from a select committee, made the following report :

MR. PRESIDENT :

The select committee, to whom was referred Senate bill No. 161, "a bill to provide for a geological, mineralogical, chemical and agricultural survey of the State of Indiana," have had the same under consideration, and a majority of the committee have directed me to report it back without amendment and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

By unanimous consent,

Mr. Weir, from a select committee, made the following report :

MR. PRESIDENT :

The select committee, to whom was referred a communication from the legislature of the State of Illinois, in regard to the Calumet Feeder Dam, &c., have directed me to report it back to the

Senate, and ask to be discharged from the further consideration of the subject, inasmuch as there is now a bill reported by the same committee to the Senate, by which the question in regard to the dam is settled.

The report was concurred in.

By unanimous consent,

Mr. March, from a select committee, made the following report:

MR. PRESIDENT:

The special committee, to whom was referred the joint resolution in favor of the admission of Kansas as a free State, have had the same under consideration, and have directed me to report the same back, with one amendment, and when so amended to recommend its passage.

Amend by striking out all after the words "to form," in the 5th line, and insert the following in the place thereof, to-wit:

And regulate their domestic institutions in their own way, and whereas, it clearly appears from all the information in relation thereto, that a majority of the *bona fide* settlers of Kansas are opposed to the institution of slavery, and in favor of its admission as a free State into the Union, therefore, be it

*Resolved by the General Assembly of the State of Indiana, That our Representatives in Congress be requested to vote for laws that will secure to the bona fide settlers of Kansas the full and free exercise of the right to form a constitution prohibiting slavery, and to exert all their influence to secure her admission as a free State into the Federal Union at the earliest practical moment.*

*Resolved, further, That certified copies of this joint resolution be forwarded to said Representatives, to be laid before Congress.*

Mr. Gooding, from the same select committee, made the following minority report:

MR. PRESIDENT:

The undersigned, a member of the select committee, to whom was referred joint resolution of the Senate No. 7, asks leave to submit the following minority report, to wit:

That the preamble to said joint resolution is not historically true, in this, that it states that the people of the Territory of Kansas did frame a constitution by regularly elected delegates, assembled at Topeka, and that said constitution was adopted by the people



with great unanimity, when in truth and fact neither the people of said Territory, nor a majority thereof, have at any time regularly or otherwise adopted a State constitution, wherefore it recommended that the following amendment to said joint resolution be made, to-wit :

By striking out the preamble and all after the resolving clause and inserting the following :

“ That our Senators and Representatives in Congress be requested to vote and use their influence for the admission of Kansas into the Union as a State, whenever she shall apply for such admission, with such domestic institutions as the legal voters of said Territory shall adopt, not inconsistent with the constitution of the United States.

The reports and the joint resolution were laid on the table.

By unanimous consent,

The following messages from the House were taken up :

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate viz :

No. 63. A bill to amend the 6th, 22d, 78th, 79th, 96th, 119th and 194th sections, and to repeal sections 99 and 73 of an act entitled an act to provide for the valuation and assessment of the real and personal property, and for the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors and appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State, approved June 21st, 1852, and to provide for the assessment and taxation of banks, brokers, stock-jobbers, insurance companies, trust companies, savings institutions, gas companies, and other joint stock companies, whose taxation is not specifically provided for, with sundry engrossed amendments thereto.

In which the concurrence of the Senate is respectfully requested.

The question being, will the Senate concur in the engrossed amendments of the House to Senate bill No. 63, accompanying the foregoing message ?

It was decided in the affirmative.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills thereof:

No. 360. An act making general appropriations for the years 1857 and 1858. Also,

No. 315. A bill concerning promissory notes, bills of exchange, bonds, or other instruments in writing, signed by any person who promises to pay money or acknowledge money to be due, or to perform any stipulation therein mentioned, making the same negotiable by endorsement thereon, regulating recovery under the same, damages, charges, rate of exchange, days of grace and other matters pertaining to the value, transfer and collection of such instruments. Also,

No. 246. An act to repeal the repealing clause of section 57 in an act entitled "an act for the incorporation of insurance companies defining their powers and prescribing their duties," approved June 17, 1852, and to renew the act incorporating the Madison insurance company. Also,

No. 285. An act to repeal certain acts therein named. Also,

No. 306. An act to amend section 32, and to repeal sections 33, 34 and 35 of an act entitled "an act to provide for the valuation and assessment of the real and personal property and the collection taxes in the State of Indiana, for the election of township assessors, and prescribing the duty of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State; approved June 21, 1852. Also,

No. 352. A bill to amend section 56 and 74 of "an act to fix the time of holding the courts of common pleas, and the length of the terms thereof in the several counties of this State, and repealing the former laws in reference thereto;" approved March 3, 1855. Also,

No. 314. A bill to authorize the formation of new counties, and to change county boundaries.

In which the concurrence of the Senate is respectfully requested.

House bill No. 314, contained in the foregoing message,  
Was read a second time and passed to a third reading.

Mr. Heffren moved to suspend the rules and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Cravens, Drew, Ensey, Fisk, Freeland, Green, Griggs, Hargrove, Heffren, Johnston, Kinley, March, Miller, McCleary, McClure, McLean, Richardson, Rugg, Sage, Stevens, Suit, Tarkington, Thompson, Wallace, Weir and Wilson—32.

No Senator voting in the negative.

So the rules were suspended, the bill read a second time by its title.

The bill was ordered to a third reading on to-morrow.

On motion by Mr. Burke,

House bill No. 150. A bill to regulate the business of insurance companies not incorporated by the State of Indiana, to punish the violation of its provisions, and to repeal all previous enactments in regard to such companies,

Was taken from the files.

Mr. Sage moved to recommit the bill to a select committee, with instructions to strike out the words "and fifty," in the sixty-third and sixty-fourth lines, after the words "one hundred thousand." Also, to strike out sec. 9 and insert the following:

Sec. 9. It shall be the duty of the president, or secretary, or general agent of any company authorized by this act, to transact the business of insurance in this State, at the time of filing the semi-annual statement provided for in the fourth section of this act, in the month of January in each year, to file with the Auditor of State a statement, under oath, showing the amount of premiums received upon insurances made within this State by such company during the year next pending; and to deposit with said Auditor five per cent. of the amount so received, in solvent stocks of at least par value, to be approved by the Auditor, until the sum of twenty-five thousand dollars is deposited as aforesaid, which said sum of twenty-five thousand dollars, deposited as aforesaid, shall be held by the Auditor as a guarantee fund for the benefit of such persons as may be insured by such company within this State, and the same, nor any part of the sums so deposited, shall not be drawn out by the company depositing as aforesaid, until all claims for losses or premiums on risks unexpired shall be fully paid and discharged. And in case of the insolvency of any such company, the sums so deposited as aforesaid, shall be applied by the Auditor, pro rata,

towards the payment of all claims filed in his office, and duly authenticated, against such company, alike as to losses and premiums on risks unexpired on policies issued within this State, within six months after such insolvency may occur, such company being deemed insolvent, upon failure to pay undisputed losses insured against within this State, for the space of ninety days after a demand of payment, or for ninety days after final judgment. Such company shall be entitled to receive the interest or dividends on such stocks so deposited, from time to time, as the same may become due and payable.

Which was not agreed to.

Mr. Slater of Dearborn moved to lay the bill on the table.

The ayes and noes being demanded by senators Suit and Slater of Dearborn,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Chapman, Cooper, Fisk, Free-land, Gooding, Green, Hendry, Hostetler, Johnston, March, Parker, Sage, Stevens, Suit, Thompson and Yaryan—19.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Burke, Cravens, Crouse, Drew, Ensey, Hargrove, Heffren, Hill, Kinley, Mansfield, Miller, McCleary, McClure, McLean, Richardson, Rice, Rugg, Wallace, Weir and Wilson—22.

So the motion to lay the bill on the table did not prevail.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Burke, Cravens, Crouse, Drew, Ensey, Hargrove, Heffren, Hill, Kinley, Mansfield, Miller, McCleary, McClure, McLean, Richardson, Rice, Rugg, Tarkington, Wallace, Weir and Wilson—23.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Chapman, Cooper, Fisk, Free-land, Green, Griggs, Hendry, Hostetler, Johnston, March, Parker, Sage, Slater of Dearborn, Stevens, Suit, Thompson and Yaryan—20.

So the bill did not pass, for the want of a constitutional majority.

On motion by Mr. Bobbs,

Senate bill No. 103. A bill to provide for the redemption or purchase of the bank bonds, and Indiana and other State stocks, and the United States stocks, providing for the manner of doing the same and defining the duties of officers in connection therewith.

Was taken from the table and read a third time.

Mr. Burke moved to recommit the bill, with instructions to strike out from the enacting clause and insert the following:

Sec. 1. That for the purpose of settling and adjusting the business and rights of the State, with and in the State Bank of Indiana, Ransom W. Akin, of the county of Monroe, Hugh O'Neal, of the county of Marion and Joseph Ristine, of the county of Fountain, be and they are hereby appointed a board of trust fund commissioners, to serve for two years, and until their successors are elected and qualified, as sinking fund commissioners are now elected, and, on behalf of the State, to take such steps as they may deem necessary to procure a complete and final settlement and adjustment of the interests of the State in said bank, and its several branches; to demand and receive therefrom all of the money, choses in action, and property of the State invested therein, or connected therewith; to reduce the same to money, and hold the same subject to such after disposition as this act provides.

Sec. 2. Each of said officers shall, before entering upon the duties of his office, separately execute a bond, payable to the State of Indiana, in the sum of one hundred thousand dollars each, with good and sufficient security, to be approved by the Governor, Auditor, Secretary and Treasurer of State, or any three of them, conditioned to pay over and deliver to the proper officers, all money, choses in action, or other property that may come into their hands, as members of said board, and faithfully to perform each and every duty of their said office; and shall also make oath that he will honestly and faithfully discharge the duties of said office, to the best of his ability; which bond and oath shall be filed in the office of the said Secretary of State, and by him securely kept.

Sec. 3. Each of the members of said board shall execute such bond, and qualify by such oath, within thirty days from and after the taking effect of this act, and should either fail to give bond and qualify, as herein required, within the time aforesaid, his office shall be deemed vacated, and the Governor shall fill such vacancy, and all other vacancies that may occur, by appointment; and every person so appointed shall give bond and qualify by oath, as hereinbefore required, within one month after such appointment, and on failure so to do, his office shall become vacated.

Sec. 4. Said board of trust fund commissioners is hereby appointed agent to examine the state and condition of said bank, and

each of its branches, and shall have power to examine, on oath or affirmation (which either of the members is hereby authorized to administer), all the officers, servants, or agent of the said bank and its several branches, or any other person, in relation to the affairs and condition of such bank, and each branch thereof, and they shall have power to examine all the books, papers, notes, bonds, and other evidences of debt of said bank, and of each of its branches; to compare the books, papers, funds and property of said bank, and each branch thereof, with their returns and statements made thereof, to ascertain the amount of money, choses in action, and property on hand, and, generally, to make every other inquiry and examination necessary to ascertain the actual condition of said bank, and of each of its branches, and to exercise all the other powers which an agent of the State may have under the said act of incorporation; and, generally, to require from all and every of such officers all such information as shall fully exhibit the whole of the property and interests of the State in the said bank, and in each branch thereof; and said board may depute and authorize any one or more of its members to perform and discharge any or all the duties required by this section.

Sec. 5. Said board shall keep an office in the city of Indianapolis, and shall have power to appoint a secretary, whose duty it shall be to keep a faithful account of all the proceedings of said board while in joint session, and also a just and true account of all money, choses in action, and property, which may come into the hands of said board by virtue of this act, and the disposition made thereof.

Sec. 6. Said board shall, immediately after its organization as aforesaid, take such steps as may be deemed necessary or proper to obtain a full, complete and final settlement of the interest of the State of Indiana in the said bank and the several branches thereof, and shall, from time to time, demand and receive of and from the said bank and branches, any and all money, choses in action, and other property and assets due, or to become due, to said State, or to which said State may be entitled. Said board may from time to time and as often as may be by them deemed necessary, require from the board of sinking fund commissioners, and from the officers of said State bank and each of the branches thereof, statements setting forth in detail the amount of dividends due said State, the amount of the surplus funds of and in each branch of said bank and the interest of the State therein, the amount of bank bonds purchased and now owned by said bank and each of the branches thereof, or purchased and now held by the board of sinking fund commissioners for the use of said fund, the price paid for each of said bonds and the time when the same were purchased, and the amount of interest received thereon, and any and all other information which said board may deem necessary to the proper discharge of the duties imposed by this act.

Sec. 7. That at the time fixed by said act of incorporation for the final closing up of the business of said bank, to-wit: "On the

first day of January, 1859," the said board of commissioners of the sinking fund and the others officers of said bank and branches, shall pay over, transfer and deliver to said board for the use of said State of Indiana, all remaining moneys, choses in action, and securities, and all books, papers and other personal property that may belong to said sinking fund, or to the State by reason of its interest in or connection with said bank and its branches, and said board are hereby authorized and directed to demand, receive and receipt therefor. *Provided*, That said board shall not receive any of the bonds of the State from said bank, or either of its branches, in settlement, at a higher rate than the actual market value of similar bonds in the city of New York, at the time of the receipt thereof by said board. *And provided further*, That said State shall receive her proportion of the difference between the cost of such bonds and the price at which they may be taken by said board.

Sec. 8. Said board may, if they believe that the interests of the State would by best subserved thereby, sell and transfer the stock of the State in said bank, with all her profits thereon, and all interest therein, to absorb the bonds of the State; *Provided, however*, That said stocks shall not be sold for less than twenty-two per cent. premium on the par value of the same.

Sec. 9. Said board of commissioners hereinbefore appointed are authorized and directed, at their discretion, to invest such money as may come into their hands belonging to the State or to the sinking fund in the purchase or redemption of the outstanding bank bonds of the State, upon such terms and as rapidly as may seem to them best for the interest and advantages of the State. Said board shall carefully and accurately register in a book to be kept for that purpose every bond so purchased, or by them received, and the time and terms of such purchase or reception, and shall cancel each and every such bond with a cancelling hammer, and by punching three or more holes through the same, and deposit the same with the Treasurer of State, and take his receipt therefor.

Sec. 10. Said board shall on the first days of January and July, in each and every year, make a full report to the Governor of said State of Indiana, to be by him laid before the next session of the General Assembly of all collections and disbursements by them made.

Sec. 11. If, at any time during the continuance of said board, there shall be an amount of money in their hands which, in the opinion of the Governor ought to be more speedily applied by said board to the purchase of bank bonds aforesaid, than is being done by said board, it shall be the duty of said Governor to call together the members of said board, together with the Auditor, Treasurer and Secretary of State, at such time and place as he may designate who, in connection with the Governor, shall form an advisory committee and who shall have power to direct said board of commissioners to invest any and all money in the hands of said board in the purchase of such bank bonds as aforesaid, at a price to be fixed

and designated in writing, signed by said advisory committee or a majority of persons composing the same.

Sec. 12. Said board of commissioners shall each receive five dollars per day as a compensation for each day's service, severally performed under the provisions of this act, together with all necessary traveling expenses incurred in and about the business of their said office, not to exceed \$300 per annum each, to be paid quarterly on the warrant of the Auditor of State, out of any money in the hands of said board. But before any such warrant shall issue, the person entitled thereto shall make out and file with said Auditor of State a sworn statement of the aggregate number of day's service by him performed, and the aggregate amount of traveling expenses incurred during the quarter for which the claim is made. Said board shall also be allowed all reasonable and necessary expenses incurred for office rent, fuel, furniture, books and stationary, to be paid on the warrant of said Auditor out of any money in the hands of said board.

Sec. 13. The Secretary of said board shall receive an annual compensation of twelve hundred dollars, (\$1,200) to be paid quarterly on the warrant of the Auditor of State, out of any money in the hands of said board of commissioners.

Sec. 14. If any one of said commissioners shall use by way of investment in any kind of property or merchandize, any portion of the money entrusted to him under the provisions of this act, or any bond, coupon, or other obligation, or security, or shall knowingly permit any such bond, coupon, or other obligation or security to be taken from the custody of said board, upon any pretense or for any purpose whatever, except as provided by law, or shall fail or refuse to pay over or account for such money, bond, coupon, or other obligation or security entrusted by this act to said commissioners, when thereunto lawfully required, he shall be deemed guilty of felony, and upon conviction thereof before any court of competent jurisdiction, shall be imprisoned in the county jail or in the penitentiary at hard labor, at the discretion of the court or jury trying the same, for any term of time not less than six months nor more than ten years, and shall also be fined in any sum not exceeding the amount of money or value of the bond, coupon, or other obligation or security so used or taken from the custody of the said board as aforesaid.

Sec. 15. Whereas all the powers conferred by its charter upon the State Bank of Indiana, except those incidental and necessary to collect and close up its business, expired on the first day of January, 1857, and it is necessary and proper that immediate steps be taken for settling with, and closing up the business of said bank, and withdrawing the State's interest therein, it is hereby declared that an emergency exists for the immediate taking effect of this act, and this act shall take effect and be in force from and after its passage.



Sec. —. That the sinking fund proper, as it stood on the 18th day of January, 1857, shall be and remain under the control of the present sinking fund commissioners, until January 1st, 1859, to be loaned as the same are now loaned until the bank bonds or other bonds equal in amount thereto, are taken up with funds to be derived from the State Bank, and that thereafter as the said sinking fund comes into the hands of commissioners having charge of the same, the same shall be paid into the Treasurer of State, to be by him promptly distributed to the several counties, loaned as school funds are now loaned, and the interest accruing thereon shall be used for the purpose of common schools.

Sec. —. Said fund shall be distributed by the Treasurer of State to the several counties in proportion to the number of children in the same, and bonds and additional security may be required by the county commissioners, of the several auditors and treasurers for the safe keeping and proper investment of these funds, and the discharge of their respective duties under this act.

Mr. Slater of Dearborn moved to lay the motion to recommit, with the pending instructions, on the table.

The ayes and noes were demanded by senators Burke and Slater of Dearborn,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Brown, Chapman, Cooper, Cravens, Crouse, Ensey, Fisk, Freeland, Gooding, Green, Hargrove, Heffren, Hendry, Hill, Hostetler, Johnston, March, Mansfield, Miller, McClure, McLean, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Stevens, Thompson, Wallace, Wilson and Yaryan—34.

*Those who voted in the negative were,*

Messrs. Alexander, Burke, Kinley, McCleary, Parker, Tarkington and Weir—7.

So the motion to recommit with instructions was laid on the table.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Cravens, Crouse, Freeland, Gooding, Green, Heffren, Hendry, Hill, March, Miller, McLean, Rice, Rugg, Stevens and Yaryan—19.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Burke, Chapman, Cooper, Ensey, Fisk, Hargrove, Hendry, Hostetler, Johnston, Kinley, Mansfield, McCleary, McClure, Parker, Richardson, Sage, Slater of Dearborn, Suit, Tarkington, Thompson, Wallace, Weir and Wilson—24.

So the bill did not pass.

A message from the House by Mr. Campbell, an enrolling clerk thereof:

**MR. PRESIDENT:**

I am directed by the House of Representatives to bring to the Senate for the signature of the President thereof, enrolled joint resolution of the House,

No. 21. A joint resolution for the relief of Henry P. Rowan, Swamp Land Treasurer of Pulaski county.

The President signed the same.

Message from the House, by Mr. Campbell, an enrolling clerk thereof:

**MR. PRESIDENT:**

I am directed by the House of Representatives to bring to the Senate, for the signature of the President, the following enrolled bill of the House:

No. 134. An act to amend the first section of an act entitled "an act providing for the incorporation of bridge companies," approved March 9, 1852, so as to authorize bridge companies to construct embankments across low bottoms, receive toll, and obtain the right of way.

The President signed the same.

Leave being granted,

On motion by Mr. Chapman,

House bill No. 138. An act to authorize the issuing of executions in certain cases,

Was taken from the files and read a third time.

On motion by Mr. Yaryan,

The bill was laid on the table.

Message from the House, by Mr. Campbell, an enrolling clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to bring to the Senate, for the signature of the President thereof, enrolled bill of the House,

No. 272. An act to prevent market houses from being built upon the streets of towns and cities, without the consent of two-thirds of the owners of lots on such streets, and to authorize the removal of the same.

The President signed the same.

Mr. Rice, from a select committee, made the following report :

MR. PRESIDENT :

The select committee, to whom was referred House bill No. 267, have had the same under consideration, and directed me to report it back, with an amendment, after the adoption of which they recommend its passage.

Amend the title of the bill so as to read, "a bill to enable the Evansville and Crawfordsville Railroad Company to alter the line of its road."

Amend section 2, by adding: "*Provided*, That the provisions of this act shall be construed to apply only to the Evansville and Crawfordsville Railroad Company, and shall be considered as supplemental to an act to amend the charter of the Evansville and Illinois Railroad Company, approved March 6, 1853; and it is further provided that all persons residing in Montgomery county, and having subscribed stock in said Evansville and Crawfordsville Railroad Company are hereby released from all liability to said company on account of such subscription of stock."

The report was concurred in, and amendments adopted.

Mr. Rice moved to suspend the rules and read the bill a third time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Freeland, Gooding, Green, Griggs, Har-

grove, Heffren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, McClary, McClure, McLean, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Stevens, Suit, Tarkington, Thompson, Wallace, Weir, Wilson and Yaryan—40.

Mr. Fisk voting in the negative.

So the rules were suspended and the bill read a third time.

The question being shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Freeland, Gooding, Green, Griggs, Hargrove, Heffren, Hendry, Hill, Hostetler, Johnston, Kinley, March, McLean, Parker, Rice, Rugg, Sage, Stevens, Thompson, Weir, Wilson and Yaryan—33.

*Those who voted in the negative were,*

Messrs. Fisk, Mansfield, Slater of Dearborn, Suit, Tarkington and Wallace—6.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

On motion by Mr. Richardson,

House bill No. 148. A bill to amend the first section of an act entitled "an act concerning licenses to vend foreign merchandise ; to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legerdemain," approved June 15, 1852, and for the encouragement of agriculture,

Was taken from the files and read a third time.

The question being shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Fisk, Freeland, Gooding, Green, Griggs, Hargrove, Hendry, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Miller, Parker, Richardson, Rice, Rugg, Sage, Stevens, Suit, Tarkington, Thompson, Wilson and Yaryan—33.

*Those who voted in the negative were,*

Messrs. Heffren, McClure, Slater of Dearborn, Wallace and Weir—5.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Leave being granted,

Mr. Yaryan, from the committee on the judiciary, made the following report:

MR. PRESIDENT :

The committee on the judiciary, to whom was referred Senate bill No. 165, have had the same under consideration, and instructed me to report the bill back without amendment and recommend the passage of the same.

The report was concurred in and the bill ordered to be engrossed.

Leave being granted,

On motion by Mr. Johnston,

The following message from the House was taken up:

A message from the House by Mr. Bowes, their clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, viz :

No. 365. A bill to apportion senators and representatives for the next four years.

In which the concurrence of the Senate is respectfully requested.

House bill No. 365, contained in the foregoing message,  
Was read a first time.

Mr. Sage moved to suspend the rules and read the bill a second time now.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Bearss, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Fisk, Freeland, Gooding, Green, Hargrove, Hill, Hostetler, Johnston, Kinley, March, Mansfield, Miller, McCleary, McClure, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Stevens, Suit, Tarkington, Thompson, Wallace, Weir, Wilson and Yaryan—36.

*Those who voted in the negative were,*

Messrs. Blair, Brown, Griggs, Heffren and Hendry—5.

So the rules were suspended, and the bill read a second time by its title.

Mr. Weir moved to refer the bill to a select committee of five.

The ayes and noes being demanded by senators Johnston and Weir,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Cravens, Griggs, Heffren, Hendry, Kinley, Miller, McClure, Parker, Suit, Thompson and Weir—18.

*Those who voted in the negative were,*

Messrs. Crouse, Ensey, Fisk, Freeland, Gooding, Green, Hargrove, Hill, Hostetler, Johnston, March, Mansfield, McCleary, Richardson, Rice, Rugg, Sage, Stevens, Tarkington, Wallace, Wilson and Yaryan—22.

So the motion to refer did not prevail.

Mr. Gooding moved to amend the bill by striking out "Hancock and Shelby one," and inserting "Hancock and Madison one," and adding Grant county to Delaware and Blackford.

The ayes and noes being demanded by senators Brown and Heffren,

*Those who voted in the affirmative were,*

Messrs. Brown, Cravens, Fisk, Gooding, Hargrove, Heffren, Hendry, Miller, McCleary, Richardson, Slater of Dearborn and Suit—12.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crouse, Ensey, Freeland, Green, Griggs, Hill, Hostetler, Johnston, Kinley, March, McClure, Parker, Rice, Rugg, Sage, Stevens, Tarkington, Thompson, Weir, Wilson and Yaryan—27.

So the amendment was not adopted.

Mr. Gooding moved to amend by giving one representative to Jefferson and Clarke, and one to each of said counties alternately. Which was not agreed to.

Mr. McClure moved to amend the bill so that the county of Clark have one senator, Jackson and Scott one, Jennings and Bartholomew one.

Mr. Parker moved to amend the bill by striking out all after the enacting clause and inserting the following :

Posey and Vanderburgh, one; Warrick, Spencer and Perry, one, Crawford, Martin and Orange, one; Floyd, one; Washington and Harrison, one; Clarke and Scott, one; Jefferson, one; Ohio and Switzerland, one; Gibson, Pike and Dubois, one; Knox, one; Daviess, one; Lawrence and Monroe, one; Green and Owen, one; Vigo and Sullivan, one; Clay and Putnam, one; Parke and Vermillion, one; Johnson and Brown, one; Morgan, one; Jennings and Jackson, one; Bartholomew, one; Ripley, one; Decatur, one; Dearborn, one; Franklin, one; Fayette and Union, one; Rush, one; Wayne, one; Henry, one; Shelby, one; Hancock and Madison, one; Marion, one; Hendricks and Boone, one; Montgomery, one; Fountain, one; Tippecanoe, one; Warren, Benton and White, one; Clinton and Carroll, one; Cass, Howard and Pulaski, one; Hamilton and Tipton, one; Noble, Whitley and Huntington, one; Randolph and Jay, one; Delaware and Grant, one; Adams, Wells and Blackford, one; Allen, one; Steuben and Dekalb, one; Elkhart and Lagrange, one; Kosciusko and Fulton, one; Wabash and Miami, one; Marshall and St. Joseph, one; Laporte and Starke, one; Jasper, Porter and Lake, one.

Sec. 2. That the House of Representatives shall be composed of one hundred members, which shall be and are hereby apportioned among the several counties of said State as follows, to-wit : Posey county shall be entitled to one; Vanderburgh, one; and Posey and Vanderburgh, one jointly; Warrick, one; Spencer, one; Perry, one; Crawford, one; Orange, one; Floyd, one; Harrison, one; Washington, one; and Washington and Harrison, one jointly; Clark, one; Scott, one; Jefferson, two; Ohio and Switzerland, one jointly; Gibson, one; Pike, one; Dubois, one; Knox, one; Daviess, one; Martin, one; Lawrence, one; Monroe, one; Brown, one; Green, one; Owen,

one; Vigo, two; Sullivan, one; Clay, one; Putnam, two; Parker, one; Vermillion, one; Johnson, one; Morgan, one; and Johnson and Morgan, one jointly; Jennings, one; Jackson, one; Bartholomew, one; Ripley, one; Decatur, one; Dearborn, two; Franklin, one; Fayette, one; Union, one; Rush, one; Wayne, two; Henry, one; and Wayne and Henry, one jointly; Shelby, one; Hancock, one; Madison, one; Marion, two; Hendricks, one; Boone, one; and Hendricks and Boone, one jointly; Montgomery, one; Fountain, one; Tippecanoe, two; Warren, one; Benton and White, one jointly; Carroll, one; Clinton, one; Cass, one; Hamilton and Tipton, two jointly; Grant, one; Howard, one; Randolph, one; Delaware, one; Blackford and Wells, one jointly; Jay, one; Whitley, one; Huntington, one; Miami, one; Fulton, one; Allen, two; Wabash, one; Kosciusko, one; Noble, one; Dekalb, one; Steuben, one; Lagrange, one; Elkhart, one; St. Joseph, one; Marshall, one; Laporte, one; Laporte and Starke, one jointly; Lake, one; Porter, one; and Adams, one.

Mr. Tarkington moved to lay the amendment on the table,  
When,

Mr. Parker moved a call of the Senate.

The ayes and noes being demanded by senators Parker and Bearss,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Fisk, Freeland, Griggs, Hill, McCleary, Rice, Thompson and Wallace—18.

*Those who voted in the negative were,*

Messrs. Gooding, Hargrove, Heffren, Hostetler, Johnston, Miller, McClure, Richardson, Rugg, Sage, Tarkington, Wilson and Yaryan—14.

So the call of the Senate was ordered.

Pending the call of the Senate,

On motion by Mr. Griggs,

The Senate adjourned.



SATURDAY MORNING, 9 O'CLOCK, A. M., {  
March 7, 1857. }

The Senate met.

The reading of the journal was dispensed with.

By unanimous consent,  
On motion by Mr. Cravens,

House bill No. 246. An act to repeal the repealing clause of section 57 of an act entitled "an act for the incorporation of insurance companies, defining their powers and prescribing their duties," approved June 17th, 1852, and to renew the act incorporating the Madison Marine Insurance Company,

Was taken from the files.

Mr. Cravens moved to suspend the rules and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Brown, Burke, Chapman, Cooper, Cravens, Crouse, Drew, Ensey, Fisk, Green, Griggs, Hargrove, Heffren, Hendry, Hill, Hostetler, Kinley, March, Miller, Murray, McLean, Parker, Richardson, Rice, Rugg, Slater of Dearborn, Stevens, Suit, Tarkington, Thompson, Weir, Wilson and Yaryan  
—35.

No senator voting in the negative.

So the rules were suspended and the bill read a second time.

Mr. Cravens moved to suspend the rules and read the bill a third time now.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Brown, Burke, Chapman, Cooper, Cravens, Crouse, Drew, Ensey, Fisk, Gooding, Green, Griggs, Hargrove, Heffren, Hill, Hostetler, Johnston, Kinley, March,

Miller, Murray, McClure, McLean, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Stevens, Suit, Tarkington, Thompson, Weir, Wilson and Yaryan—38.

No senator voting in the negative.

So the rules were suspended and the bill read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Brown, Burke, Chapman, Cooper, Cravens, Crouse, Drew, Ensey, Fisk, Gooding, Green, Griggs, Hargrove, Heffren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Miller, Murray, McLean, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Suit, Tarkington, Thompson, Weir, Wilson and Yaryan—39.

No senator voting in the negative.

So the bill passed.

*Ordered.* That the Secretary inform the House thereof.

The question pending at the adjournment yesterday, was the consideration of the amendment to House bill No. 365, offered by Mr. Parker.

Mr. Parker withdrew the amendment.

Mr. Hostetler moved to amend the bill by making Lawrence county a senatorial district.

Which was not agreed to.

Mr. Hendry moved to amend the bill so as to give the counties of Steuben and Dekalb two representatives jointly; when

Mr. Yaryan moved the previous question;  
Which was not seconded by the Senate.

The question then being on the adoption of the amendment offered by Mr. Hendry,  
It was not agreed to.

Mr. McClure moved to amend the bill by giving the county of Clark two representatives.

Which was not agreed to.

Mr. Heffren moved to amend the bill by giving the county of Washington one senator, and the county of Harrison one.  
Which was not agreed to.

Mr. Hostetler moved to amend the bill by giving the counties of Lawrence and Jackson one senator.  
Which was not agreed to.

Mr. Hostetler moved to amend the bill by making Orange and Lawrence a senatorial district.  
Which was not agreed to.

Mr. Brown moved to amend the bill by giving Shelby county one representative, and Hancock one.  
Which was agreed to.

Mr. Hendry moved to amend the bill by making the counties of Steuben and Dekalb a senatorial district.  
Which was not agreed to.

Mr. Sage moved to amend the bill by giving Ohio and Switzerland counties two representatives.  
Which was not agreed to.

Mr. Johnston moved the previous question ;  
Which was seconded by the Senate.

The question being, shall the main question be now put ?  
Which was agreed to.

Mr. Sage moved that the bill be read a third time now.  
Which was agreed to ; and

House bill No. 365. A bill to apportion senators and representatives for the next four years,  
Was read a third time.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Burke, Chapman, Cooper, Crouse, Drew, Ensey, Fisk, Hargrove, Heffren, Hill, Hostetler, Johnston, Kinley, March, Murray, McLean, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Tarkington, Thompson and Weir—29.

*Those who voted in the negative were,*

Messrs. Blair, Brown, Cravens, Gooding, Green, Griggs, Hendry, Miller, McCleary, McClure, Suit, Wallace and Yaryan—13.

So the bill passed.

Mr. Bears moved to reconsider the vote just taken by which the bill passed.

Mr. Heffren moved to lay the motion to reconsider the vote on the table.

The ayes and noes being demanded by senators Bearss and Hendry,

*Those who voted in the affirmative were,*

Messrs. Alexander, Burke, Cooper, Crouse, Drew, Ensey, Fisk, Gooding, Green, Griggs, Hargrove, Heffren, Hendry, Hill, Hostetler, Johnston, Kinley, Murray, McLean, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Tarkington, Thompson, Weir and Yaryan—30.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Brown, Chapman, Cravens, March, Miller, McCleary, McClure, Suit and Wallace—11.

So the motion to lay on the table prevailed.

By unanimous consent,

On motion by Mr. March,

The following message from the House was taken up :

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed engrossed bill No. 364, "a bill making specific appropriations for the year A. D. 1857."

In which the concurrence of the Senate is respectfully requested.

House bill No. 364, contained in the foregoing message, was read a first time.

Mr. Cravens moved to suspend the rules and read the bill a second time now.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Cravens. Crouse, Drew, Ensey, Fisk, Green, Hargrove, Heffren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Murray, McCleary, McClure, McLean, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Stevens, Tarkington, Thompson, Wallace, Weir, Wilson and Yaryan—39.

Mr. Suit voting in the negative.

So the rules were suspended and the bill read a second time by its title.

Mr. March offered the following amendment to the bill :

Amend by inserting the following sections :

Sec. —. That John M. Talbott & Co. be allowed the sum of six dollars and thirty-eight cents for stationery furnished for the use of the Senate.

Sec. —. That Stewart & Bowen be allowed the sum of two hundred and twenty-two dollars and seventy-five cents for stationery furnished for the use of the Senate.

Sec. —. That R. L. & A. W. M'Onat be allowed the sum of twenty-nine dollars for articles furnished for the use of the Senate.

Sec. —. That Wright & Brother be allowed the sum of thirty-seven dollars for furniture furnished for the use of the Senate.

Sec. —. That John Ott be allowed the sum of thirty-six dollars for one chair furnished for the use of the Senate.

Sec. —. That Jacob Lindley be allowed the sum of nineteen dollars and seventeen cents for articles furnished for the use of the Senate.

Sec. —. That C. O. Howard be allowed the sum of five dollars for attending to and keeping the clock in repair in the Senate chamber.

Sec. —. That Charles Mayer be allowed the sum of six dollars and sixty cents for articles furnished for the use of the Senate.

Sec. —. That W. W. Roberts be allowed the sum of fifteen dollars for sundries furnished for the use of the Senate.

Sec. —. That Frederick Burgtorf be allowed the sum of forty-seven dollars and seventy-five cents for work done and materials furnished in repairing the Senate chamber.

Sec. —. That Rich. Henninger be allowed the sum of eighty dollars and forty cents for furnishing senators and officers of the Senate three copies per week of the Free Press.

Sec. —. That Robert Browning be allowed the sum of nineteen

dollars and eighty cents for stationery furnished for the use of the Senate, as per bill filed.

Sec. —. That J. F. Ramsey be allowed the sum of two dollars for table furnished for the use of the Senate, as per bill filed.

Sec. —. That H. S. Kellogg & Son be allowed the sum of three dollars and fifty cents for sundries furnished for the use of the Senate, as per bill filed.

Sec. —. That Clemens & Vonnegut be allowed the sum of four dollars and thirty cents for sundries furnished for the use of the Senate, as per bill on file.

Sec. —. That Calvin Compton be allowed the sum of seventy-five dollars for services rendered in pursuing and capturing a fugitive from justice, who was sent to the penitentiary.

Sec. —. That James B. Fulwiler, of Miami county, be allowed the sum of four hundred and forty-five dollars and eighty-seven cents for arresting of Brough, an escaped convict from the jail in the county of Miami, who broke jail three times and finally escaped.

Sec. —. That Price & Nesbit be allowed the sum of one hundred and eighty-one dollars and thirty cents for reclaiming a fugitive from justice who was sent to the penitentiary.

Sec. —. That A. G. Devitt be allowed the sum of fifty dollars for services rendered by him in prosecuting a criminal in the Porter circuit court, who was sent to the penitentiary for life.

Sec. —. That E. J. Baldwin & Co. be allowed the sum of seven dollars for stationery furnished for the use of the Senate.

Sec. —. That Cameron & McNeely be allowed the sum of two dollars for printing twenty cards for the use of the Senate.

Sec. —. That George Dixon be allowed the sum of fifteen dollars for cleaning out the State Privies and keeping them clean for four weeks, during the November term of the State Federal Courts, 1856.

Sec. —. That Caleb Mills be allowed the sum of one hundred dollars for services rendered by order of the Senate, from the 9th of February to the 9th of March, 1857, being one month.

Sec. —. That the supreme court are hereby required to make such allowance to D. C. Chipman, late prosecuting attorney in the fifth judicial circuit, as they may think just and right, for causes submitted and briefs filed by him in the supreme court, while he was such prosecuting attorney, wherein the State was a party, to be audited and paid as other appropriations.

Sec. —. That Sheets & Braden be allowed the sum of ninety-one dollars and eighty cents for articles furnished for the use of the Senate, as per bill filed.

Sec. —. That Sheets & Braden be allowed the sum of six dollars and seventy-five cents for stationery furnished for the use of the House, as per bill filed.

Which was agreed to.

Mr. Cravens offered the following amendment to the bill :

That Kline G. Shryock be allowed the same per diem and mileage as a member of the Senate, whilst contesting the seat of Hon. Hugh Miller.

Which was agreed to.

Mr. Heffren offered the following amendment to the bill, by allowing :

To Thomas L. Smith—

For 15 days attendance.....	\$30 00	
For mileage, 224 miles.....	11 20	
	<hr/>	\$41 20

To D. G. Rose—

For 5 days attendance.....	\$10 00	
For mileage, 300 miles ...	15 00	
	<hr/>	25 00

To Austin M. Puett—

For 4 days attendance.....	\$8 00	
For 130 miles travel .....	6 50	
	<hr/>	14 50

To W. G. Coffin—

For 3 days attendance.....	\$6 00	
For mileage, 130 miles .....	6 50	
	<hr/>	12 50

To John S. Davis—

For 10 days attendance.....		20 00
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To Samuel Bayard—

For 3 days attendance.....	\$6 00	
For 290 miles travel .....	14 50	
	<hr/>	20 50

To Joseph W. Chapman—

For 3 days attendance.....	\$6 00	
For mileage, 170 miles .....	8 60	
	<hr/>	\$14 60

To Washington C. DePauw—

For 10 days attendance .....		20 00
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To Isaac Hutchinson—

For 5 days attendance.....	\$10 00	
For 390 miles travel .....	19 50	
	<hr/>	29 50

To Richard Raleigh—

For 4 days attendance.....	\$8 00	
For mileage, 390 miles .....	19 50	
	<hr/>	27 50

To A. W. Hubbard—		
For 1 days attendance.....	\$2 00	
For mileage, 80 miles .....	4 00	
	<hr/>	6 00
To J. L. Menaugh—		
For 4 days attendance .....	\$8 00	
For 560 miles travel .....	28 00	
	<hr/>	36 00
To Lot Day, Jr.—		
For 6 days attendance.....	\$12 00	
For 400 miles travel .....	20 00	
	<hr/>	32 00
To C. W. Seeley—		
For 6 days attendance.....	\$12 00	
For 423 miles travel .....	21 15	
	<hr/>	33 15
To John Hunt—		
For 2 days attendance.....	\$4 00	
For 136 miles travel .....	6 80	
	<hr/>	10 80
To W. McDunn—		
For 3 days attendance.....	\$6 00	
For 172 miles travel .....	8 60	
	<hr/>	14 60
To M. A. Malotte—		
For 3 days attendance.....	\$6 00	
For 140 miles travel .....	7 00	
	<hr/>	13 00
To G. T. Levitt—		
For 2 days attendance.....	\$4 00	
For mileage, 216 miles .....	10 80	
	<hr/>	14 80
To John L. Robinson—		
For 10 days attendance.....	\$20 00	
For 92 miles travel .....	4 50	
	<hr/>	24 50
To John Briggs—		
For 3 days attendance.....	\$6 00	
For 224 miles travel .....	11 20	
	<hr/>	17 20
To Samuel Bayard—		
For 4 days attendance.....	\$8 00	
For 384 miles travel .....	19 20	
	<hr/>	27 20



To B. F. Murray—

For 3 days attendance .....	\$6 00	
For 100 miles travel .....	5 00	
	<hr/>	11 00

To Benjamin Newland—

For 1 days attendance.....	\$2 00	
For 136 miles travel .....	10 80	
	<hr/>	12 80

To P. M. Kent—

For 10 days attendance.....	\$20 00	
For 224 miles travel .....	11 20	
	<hr/>	31 20

To Cornelius Ratcliff—

For 2 days attendance.....	\$4 00	
For 136 miles travel ..	6 80	
	<hr/>	10 80

Which was agreed to.

Mr. Bearss moved to amend the bill so as to allow the assistant clerk of the House, and the assistant secretary of the Senate, each \$5 per day.

Mr. Griggs moved to amend the amendment so as to allow all the assistant clerks in the Senate and House \$5 per day each.

Which was not agreed to.

The question recurred on the adoption of the amendment proposed by Mr. Bearss?

The ayes and noes being demanded by senators Johnston and Slater of Dearborn,

*Those who voted in the affirmative were,*

Messrs. Bearss, Chapman, Crouse, Drew, Griggs, Hendry, Murray, Parker, Rice, Sage and Weir—11.

*Those who voted in the negative were,*

Messrs. Alexander, Blair, Burke, Cooper, Ensey, Fisk, Freeland, Gooding, Green, Hargrove, Heffren, Hill, Hostetler, Johnston, Kinley, March, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Stevens, Suit, Tarkington, Thompson, Wallace, Wilson and Yaryan—27.

So the amendment was not adopted.

Mr. Weir moved to amend the bill by adding :

Sec. —. That the sum of eighty dollars be allowed F. Costigan, for plans and estimates furnished for a building for State offices, at the request of the select committee on buildings.

Also, by adding :

Sec. —. That the sergeant-at-arms of the Senate be allowed the same sum per day, during the session, as the doorkeeper ; and that the same amount be allowed the assistant sergeants-at-arms for each day they have served as such, the time of such service to be certified by the sergeant-at-arms.

Mr. Slater of Dearborn moved to amend the amendment by allowing F. Costigan the sum of twenty-five dollars, for a draft of contemplated public building, instead of eighty dollars.

Which was agreed to.

The question recurring on the adoption of the amendment, it was decided in the affirmative.

Mr. March moved to amend by adding :

Sec. —. That the Senate committee on State Prison, for visiting the same, consisting of J. F. Parker, J. J. Alexander, W. C. Tarkington, W. E. McLean, Leroy Woods, David M. Crane, Wm. B. Richardson, John Mathes, and A. W. Hendry, be allowed each the sum of sixteen dollars and fifty cents.

Mr. Slater of Dearborn moved to amend the amendment by striking out "sixteen dollars and fifty cents," and inserting "ten dollars."

Which was not agreed to.

The question being on the adoption of the amendment,  
It was agreed to.

Mr. Johnston moved to amend the bill by allowing the secretaries, doorkeepers, sergeant-at-arms, and their assistants, three dollars per day.

The ayes and noes being demanded by senators Johnston and Slater of Dearborn.

*Those who voted in the affirmative were,*

Messrs. Ensey, Gooding, Hargrove, Johnston, March, Richardson, Slater of Dearborn, Slater of Johnson, Wallace and Wilson  
—10.

*Those who voted in the negative were,*

Messrs. Bearss, Bobbs, Blair, Brown, Burke, Cahpman, Cravens, Crouse, Drew, Green, Griggs, Heffren, Hendry, Hill, Hostetler, Kinley, Miller, Murray, McClure, McLean, Parker, Rice, Rugg, Sage, Stevens, Suit, Tarkington, Thompson and Weir—29.

So the amendment was not adopted.

Mr. Bearss moved to amend the bill so as to allow Kline G. Shryock and Hugh Miller their expenses incurred in prosecuting the contested seat before the Senate.

Which was agreed to.

Mr. Murray moved to amend the bill by allowing — Sitzer, of Hardin county, Kentucky, \$250, for money paid on forfeited recognizance.

On motion by Mr. Gooding,

The amendment was laid on the table.

Mr. Green moved to amend the second section by substituting, in the proper place, "but if any clerk shall have served on more than one committee, on the same day, he shall receive pay but for one committee, nor shall any clerk receive pay for more than sixty-one days."

Which was agreed to.

Mr. Yaryan moved to amend the bill by striking out "attorneys' fees in the Rush county election case."

Which was agreed to.

Mr. Heffren moved to amend the bill by adding:

Sec. —. That Elijah Newland be allowed the sum of one hundred and fifty dollars, for services rendered and expenses paid, under appointment of Gov. Wright, in examining into and reporting upon the condition of the office of Agent of State in the city of New York.

Which was agreed to.

Mr. Brown moved to amend the bill by allowing Wm. Bracken, the claimant of the seat of Stanley Cooper, from the county of Rush, per diem and mileage as a member of the Senate.

Which was agreed to.

Mr. Wallace moved to amend the bill by allowing D. L. Case, contesting the seat of Isaac A. Rice, from the county of Fountain, mileage and three dollars per each day he was in Indianapolis attending to the business of said contest.

Which was agreed to.

Mr. Tarkington moved to refer the bill and amendments just adopted to the committee on finance.

Which was agreed to.

Mr. Johnston moved to instruct the committee as follows:

To amend by allowing all the defeated candidates three dollars per day and mileage.

Which was not agreed to.

Leave being granted,

On motion by Mr. Heffren,

House bill No. 210. A bill to amend the 26th section of an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved may 14, 1852.

Was read a third time.

The question being shall the bill pass?

*Thos who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Crouse, Drew, Fisk, Green, Griggs, Hargrove, Heffren, Hendry, Hill, Hostetler, Kinley, Miller, Murray, McCleary, McClure, McLean, Parker, Slater of Dearborn, Stevens, Snit and Thompson—29.

*Those who voted in the negative were,*

Messrs. Gooding, Johnston, Richardson, Rugg, Slater of Johnson, Tarkington, Wallace, Weir, Wilson and Yaryan—10.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Mr. Burke, from the committee on banks, made the following report:

MR. PRESIDENT:

The committee on banks, to whom was referred Senate bill No. 104, "a bill to repeal the charter of the Bank of the State of Indiana," respectfully report:

That the charter of the Bank of the State of Indiana, or the act entitled "an act to establish a bank with branches," was passed at the last session of the legislature. In conformity with the pro-

visions of that act, stocks were subscribed and fully paid up to the amount of about 2,000,000 dollars, and the bank has been organized, as appears by its reports transmitted to the Senate during its present session. Its branches have commenced business at the several points where they are located, a considerable amount of its notes have been put in circulation, a still larger amount of paper has been discounted by them, and a very large number of our citizens are interested in its welfare as stockholders and customers.

Under these circumstances the passage of a bill to repeal the act under which the bank was organized, could not but be regarded as a very extraordinary measure. If the object proposed to be accomplished by such repeal is to divest the stockholders of their rights acquired while the law was in force, it certainly could not have that effect. It has been so thoroughly settled by numerous judicial decisions that rights acquired under a legislative grant or charter, cannot be divested by a repeal of the charter, that it is not a question open for argument. If the charter had been repealed before its provisions had been accepted by the persons who subscribed the stock or before the bank was organized, such repeal might have prevented its organization; but inasmuch as its provisions were accepted and the bank was fully organized and went into operation while the act was in full force, a repeal of that act in a legal point of view, would be simply nugatory.

On the other hand if the act was unconstitutional, and the stockholders of the banks have acquired no legal rights under its charter, it is unnecessary to pass an act for its repeal, as the charter itself would be void and of no effect. But this is a question which properly appertains to another department of the government, and the committee do not deem it their province to inquire into the constitutionality or unconstitutionality of the act, especially as the passage of a repealing act would have no effect whatever in determining that question.

The act to establish a bank with branches appears among the acts of the last session, published by authority, and it appears, upon referring to the journals, that it passed through its several readings in each house in conformity to the rules adopted by the present and all former sessions of the Legislature. There does not appear to be any defect in the manner of its passage, which is not common to all acts passed both under the former and the present constitution, which were amended in their passage through the two houses. It therefore bears upon its face the appearance of a valid act, and if it is invalid it must be because it comes in conflict with some provisions of the constitution, which, as before observed, is a matter to be ascertained by the court, or because it contains some other facts which have not been brought to the knowledge of the committee.

It is true that the committee have heard of vague charges that the passage of the bill was obtained by fraud and corruption—that members of the Legislature were bribed to vote for it, and that the names of members appear upon the journals as voting for it who

were absent and did not vote. In reference to these charges the committee can only say that if the object in passing a bill to repeal the charter is to manifest the disapprobation of the Legislature as to the manner it was obtained, the truth of such charges should first be ascertained in a satisfactory manner. No evidence of their truth has come to the knowledge of the committee, but, on the contrary, from what they have heard on the subject they believe them to be based wholly upon rumor and that they have no foundation in fact. The committee cannot therefore perceive any sufficient reason for the passage of the bill in question, and they recommend its indefinite postponement.

Mr. Wallace, from the committee on banks, made the following minority report :

MR. PRESIDENT :

I beg leave to dissent from the views of the majority of the committee.

LEWIS WALLACE.

The question being, shall the report of the committee be concurred in and the bill indefinitely postponed ?

The ayes and noes being demanded by Senators Wallace and Gooding,

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Bobbs, Brown, Burke, Crane, Cravens, Crouse, Drew, Ensey, Fisk, Green, Griggs, Heffren, Hill, Hostetler, Murray, McCleary, McLean, Parker, Rice, Stevens, Suit, Tarkington, Weir and Yaryan—26.

*Those who voted in the negative were,*

Messrs. Chapman, Cooper, Gooding, Hargrove, Hendry, Johnston, Kinley, March, McClure, Richardson, Rugg, Sage, Slater of Dearborn, Slater of Johnson and Wilson—16.

So the report of the committee was concurred in, and the bill indefinitely postponed.

By unanimous consent,

On motion by Mr. Rugg,

House bill No. 305. An act to change the time of holding courts in the tenth judicial circuit, and to extend the length of the

term in Allen county, and providing additional compensation for the judge thereof,

Was taken from the files.

The question being shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Cravens, Crouse, Drew, Ensey, Fisk, Griggs, Hargrove, Heffren, Hill, Hostetler, Johnston, Kinley, March, Miller, Murray, McCleary, McClure, McLean, Parker, Richardson, Rugg, Sage, Stevens, Suit, Tarkington, Thompson, Wallace, Weir and Wilson—36.

*Those who voted in the negative were,*

Messrs. Green and Hendry—2.

So the bill passed.

*Ordered,* That the secretary inform the House thereof.

Leave being granted,

On motion by Mr. Suit,

*Resolved,* That the thanks of the Senate are due to the Hon. A. A. Hammond for the able, faithful and impartial manner with which he has presided over the deliberations of this Senate.

Leave being granted,

On motion by Mr. Wilson,

House bill No. 213. A bill to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, to prescribe their powers and rights, and the manner in which the same may be governed ;

Was read a third time.

The question being shall the bill pass,

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Bobbs, Burke, Chapman, Cravens, Crouse, Drew, Ensey, Fisk, Gooding, Green, Griggs, Heffren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Miller, Murray, McCleary, McClure, Parker, Rice, Rugg, Tarkington, Wallace, Weir, Wilson and Yaryan—34.

*Those who voted in the negative were,*

Messrs. Bearss and Hargrove—2.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Leave being granted,

On motion by Mr. Tarkington,

*Resolved,* That the House be requested to return to the Senate House bill No. 320, so that the title of the same may be amended.

*Ordered,* That the Secretary inform the House thereof.

Leave being granted,

On motion by Mr. Alexander,

House bill No. 314. A bill to authorize the formation of new counties and to change county boundaries;

Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Brown, Burke, Cooper, Crouse, Drew, Fisk, Green, Griggs, Hargrove, Hendry, Hill, Hostetler, Johnston, Kinley, Murray, Rice, Suit, Tarkington, Thompson, Weir, Wilson and Yaryan—28.

*Those who voted in the negative were,*

Messrs. Gooding, McCleary, McClure, Richardson, Rugg and Wallace—6.

So the bill passed.

*Ordered,* That the secretary inform the House thereof.

Leave being granted,

On motion by Mr. Wallace,

The following message from the House were taken up:

A message from the House by Mr. Bowes their clerk.



MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, viz:

House bill No. 363. An act respecting the 4th section of an act entitled "an act to regulate the mileage of sheriffs in conveying convicts to the State Prison, and county treasurers making deposits, and in their settlement with the Treasurer and Auditor of State, and the mileage of members of the General Assembly.

In which the concurrence of the Senate is respectfully requested.

House bill No. 363, contained in the foregoing message, was read a first time.

Mr. Wallace moved to suspend the rules and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Fisk, Gooding, Green, Griggs, Hargrove, Hendry, Hill, Hostetler, Kinley, Murray, Parker, Richardson, Rice, Rugg, Suit, Tarkington, Thompson, Wallace, Weir, Wilson and Yaryan—34.

*Those who voted in the negative were,*

Messrs. Johnston and McClure—2.

So the rules were suspended and the bill read a second time.

Mr. Wallace moved to suspend the rules and read the bill a third time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Blair, Bobbs, Brown, Burke, Chapman, Cravens, Crouse, Ensey, Fisk, Gooding, Green, Heffren, Hendry, Hill, Hostetler, Kinley, March, Murray, McCleary, McClure, McLean, Parker, Rice, Rugg, Sage, Stevens, Suit, Tarkington, Thompson, Wallace, Weir, Wilson and Yaryan—34.

*Those who voted in the negative were,*

Messrs. Bearss, Hargrove, Johnston and Richardson—4.

So the rules were suspended and the bill read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Bobbs, Brown, Burke, Chapman, Cravens, Crouse, Ensey, Fisk, Green, Griggs, Heffren, Hendry, Hill, Hostetler, McCleary, Parker, Rice, Rugg, Sage, Stevens, Suit, Tarkington, Thompson, Wallace, Weir and Yaryan—26.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Gooding, Hargrove, Johnston, Kinley, March, Murray, McClure, McLean, Richardson and Wilson—12.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

The following message from the House, by Mr. Campbell, enrolling clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to bring to the Senate, for the signature of the President thereof, enrolled bills of the House,

No. 224. An act for the relief of persons who have borrowed money from the sinking fund of this State.

No. 199. An act to authorize the State of Illinois to maintain the Calumet Feeder Dam, and securing the use of the waters of the Calumet River, and providing the manner of assessing damages sustained by the citizens of Indiana by the erection thereof, and regulating draining of swamp lands adjacent to the Calumet River in the State of Indiana.

No. 320. An act providing for the transfer of scholarships in the Indiana University, for a valuable consideration,

The President signed the same.

A message from the House, by Mr. Turman, an assistant clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in engrossed amendments of the Senate to the following engrossed bills of the House, viz :

No. 148. A bill to amend the first section of an act entitled "an act concerning licenses to vend foreign merchandise; to exhibit any caravan, menagerie, circus, rope or wire dancing, puppet show and ledgerdmain," approved June 15, 1852, and for the encouragement of agriculture. Also,

No. 267. A bill to enable railroad companies to alter the line of railroads, when sufficient stock cannot be raised to complete the same according to the original design thereof.

Leave being granted,

Mr. Bobbs, from the committee on corporations, made the following report :

MR. PRESIDENT :

The committee on corporations, to whom was referred Senate bill No. 151, "a bill to amend an act entitled 'an act for the incorporation of railroad companies,'" approved May 11, 1852, have had the same under consideration, and have directed me to report the same back with the following amendments, and when so amended to recommend its passage :

Amend the bill as follows :

Strike out all after the enacting clause and insert, in lieu thereof, the following :

That section thirteen of an act to provide for the incorporation of railroad companies, approved May 11, 1852, which was as follows, to-wit :

Sec. 13. Every such corporation shall possess the general powers, and be subject to the liabilities and restrictions expressed in the special powers following, that is to say :

*First*—To cause such examination and surveys for the proposed railroad to be made, as may be necessary to the selection of the most advantageous route for the railroad, and for such purposes, by their officers and servants, to enter upon the lands or waters of any person, but subject to responsibility for all damages which they shall do thereto.

*Second*—To receive, hold, and take such voluntary grants and donations of real estate, and other personal property, as shall be made to it to aid in the construction, maintainance, and accommodation of such railroad; but the real estate, thus received by voluntary grants, shall be held and used for the purposes of such grants only.

*Third*—To purchase, and by voluntary grants and donations, receive and take, and by its officers, engineers, and surveyors, and agents, enter upon, and take possession of and hold, and use all such lands and real estate, and other property, as may be necessary for the construction and maintainance of its railroads and stations, depots and other accommodations necessary to accomplish the objects for which the corporation is created; but not until the compensation to be made therefor, as agreed upon by the parties or ascertained as hereinafter prescribed, shall have been paid to the owner or owners thereof, or deposited as hereinafter directed, unless the consent of such owner be given to enter into possession.

*Fourth*—To lay out its roads, not exceeding six rods wide, and to construct the same; and for the purposes of cuttings, embankments, and procuring stone and gravel, may take as much more land within the limits of its charter, in the manner provided hereinafter, as may be necessary for the proper construction and security of the road.

*Fifth*—To construct their road upon or across any stream of water, water-course, road, highway, railroad or canal, so as not to interfere with the free use of the same, which the route of its road shall intersect, in such manner as to afford security for life and property; but the corporation shall restore the stream or water-course, road or highway thus constructed, to its former state, or in a sufficient manner, not to have unnecessarily impaired its usefulness or injure its franchises.

*Sixth*—To cross, intersect, join or unite its railroad (with any other railroad) before constructed at any point on its route, and upon the grounds of such other railroad company, with the necessary turn-outs, (sidings and switches, and other conveniences) in furtherance of the objects of its connections, and every company whose railroad is or shall hereafter be intersected by any new railroad, shall unite with the owners of such new railroad, in forming such intersections and connections, and grant the facilities aforesaid; and if the two corporations cannot agree upon the amount of compensation to be made therefor, or the points or manner of such crossings and connections, the same shall be ascertained and determined by commissioners, to be appointed as is provided hereinafter in respect to the taking of lands: but this section is not to effect the rights or franchises heretofore granted.

*Seventh*—To purchase lands or take them, may change the line of its road, whenever a majority of the directors shall so determine as is provided hereinafter; but no such change, shall vary the general route of such road.

*Eighth.*—To take, transport, carry and convey persons and property on their railroad by force and power of steam, of animals or any mechanical power, or by any combination of them, and to receive tolls and compensation therefor.

*Ninth.*—To erect and maintain all necessary and convenient buildings, stations, depots and fixtures, and machinery for the accommodation and use of their passengers, freight and business, and obtain and hold the lands necessary therefor.

*Tenth.*—To regulate the time and manner in which passengers and property shall be transported, and the tolls and compensation to be paid therefor; be so amended as to read as follows:

Sec. 13. Every such corporation shall possess the general powers, and be subject to the liabilities and restrictions expressed in the special powers following, that is to say:

*First.*—To cause such examinations and surveys for the proposed railroad to be made as may be necessary to the selection of the most advantageous route for the railroad, and for such purposes, by their officers, agents and servants to enter upon the lands or waters of any person, but subject to the responsibility for all damages which they shall do thereto.

*Second.*—To receive, hold and take such voluntary grants and donation of real estate and other personal property as shall be made to it, to aid in the construction, maintainance and accommodation of such railroad; but the real estate thus received by voluntary grants shall be held and used for the purposes of such grants only.

*Third.*—To purchase and by voluntary grants and donations, receive and take, and by its officers, engineers, and agents, enter upon and take possession of, and hold, and use all such lands and real estate and other property, as may be necessary for the construction and maintainance of its railroad and stations, depots and other accommodations necessary to accomplish the objects for which the corporation is created; but not until the compensation to be made therefor, as agreed upon by the parties or as ascertained as hereinafter prescribed, shall have been paid to the owner, or owners thereof, or deposited as hereinafter directed, unless the consent of such owner be given to enter into possession.

*Fourth.*—To lay out its road not exceeding six rods wide, and to construct the same, and for the purpose of cuttings, embankments, and procuring stone and gravel, may take as much more land within the limits of its charter, in the manner provided hereinafter, as may be necessary for the proper construction and security of the road.

*Fifth.*—To construct their road on or across any stream of water, water course, road, highway, railroad or canal so as not to interfere with the free use of the same, which the route of its road shall intersect, in such manner as to afford security for life and property, but the corporation shall restore the stream or water course, road or highway thus intersected to its former state, or in a sufficient

manner, not to have unnecessarily impaired its usefulness or injured its franchises.

*Sixth.*—To cross, intersect, join and unite its railroad with any other railroad before constructed at any point on its route, and upon the grounds of such other railroad company, with the necessary turn-outs, sidings and switches, and other conveniences, in furtherance of the objects of its connections, and every company whose railroad is, or shall be hereafter intersected by any new railroad, shall unite with the owners of such new railroad, in forming such intersections and connections, and grant the facilities aforesaid, and if the two corporations cannot agree upon the amount of compensation to be made therefor, or the points or manner of such crossings and connections, the same shall be ascertained and determined by the commissioners to be appointed as is provided hereinafter in respect to the taking of lands, but this section is not to effect the rights or franchises heretofore granted.

*Seventh.*—To intersect, joint and unite its railroad with that of any other corporation in any adjoining State, and when any stream of water, or water course shall constitute the boundary line between such adjoining State and this, to cross so much thereof by bridges as lies and is situate within the boundaries of this State at any point suitable to form a junction or intersection with such other railroad, and to construct their road upon or across the same; *Provided*, Such bridges do not obstruct the free navigation thereof.

*Eighth.*—To lease any portion or the whole of its railroad to any railroad corporation in any adjoining State, and to lease from any railroad corporation of any adjoining State any portion or the whole of its railroad therein, for a period of time not to exceed twenty years, upon such terms and conditions as may be mutually agreed upon, and not in contradiction of any of the laws of this State, or of said adjoining State.

*Ninth.*—To purchase lands or take them, may change the line of its road, whenever a majority of the directors shall so determine, as is provided hereinafter, but no such change shall vary the general route of such road.

*Tenth.*—To take, transport, carry and convey persons and property on their railroad by the force and power of steam, of animals, or any mechanical power, or by any combination of them, and receive tolls or compensation therefor.

*Eleventh.*—To erect and maintain all necessary and convenient buildings, stations, depots, and fixtures and machinery for the accommodation and use of their passengers, freight and business, and obtain and hold the lands necessary therefor.

*Twelfth.*—To regulate the time and manner in which passengers and property shall be transported, and the tolls and compensation to be paid therefor.

Sec. 11. This act shall take effect and be in force from and after its passage.

The report was concurred in and the bill laid on the table.

Leave being granted,

Mr. Murray offered the following resolution :

*Resolved*, That when the Senate adjourns, it shall stand adjourned until half past one o'clock P. M.

Which was agreed to.

Leave being granted,

Mr. March, from the committee on finance, made the following report :

MR. PRESIDENT :

The committee on finance, to whom was referred House bill No. 364, "a bill making specific appropriations for the year 1857," with the Senate amendments, have had the same under consideration, and have directed me to report the same back with the pending amendments, and one additional amendment, and when so amended recommend its passage.

Additional amendment.

Amend by allowing Richard Henninger the sum of one hundred and thirty-eight dollars, for the "Free Press" furnished the House during the present session

The report was concurred in, the amendments adopted, and the bill laid on the table.

Mr. Sage, from a select committee, made the following report :

MR. PRESIDENT :

The committee to whom was referred the testimony taken before the Trustees of the Institution for the Blind, in the case of Wm. C. Larrabee, late superintendent of said institution, beg leave to report the testimony back to the Senate, without note or comment, and ask that it be spread upon the Journal, and that they be discharged from the further consideration of the subject.

The question being, shall the report be concurred in  
It was decided in the affirmative.

*Proceedings of the Board of Trustses of the Indiana Institute for the Education of the Blind, in the case of W. C. LARRABEE, Superintendent; also, the testimong of the witnesses examined.*

## PROCEEDINGS OF THE BOARD.

TUESDAY, September 23, 1856.

Board met in special session, on the call of the Secretary, present, Messrs. Read, Carr, Palmer, McCullough and Ellis, to take into consideration the matters and things set forth in a communication to Mr. Palmer, of which the following is a copy :

INDIANAPOLIS, Aug. 19, 1856.

COL. N. B. PALMER :

DEAR SIR :—I mentioned to yourself and Col. Carr, a few days since, that certain rumors, of a highly disreputable character, in relation to Professor Larrabee, had come to my ears, which at first I discredited entirely, but which were pressed upon my attention in such manner as to compel me to make some inquiries in regard to their correctness. Not wishing to do Mr. Larrabee any injustice, I called upon some of those whose names were furnished me, and learned such facts as in my judgment the interests of the Institute for the Blind require should be explained or refuted. I desire, therefore, that you should acquaint him of the nature of the rumors and charges, in order that further investigation may be had, if necessary.

The charges are to the effect that Mr. Larrabee has been in the habit of taking improper liberties with the older female pupils—such as holding them upon his lap, kissing them, taking them by the waist, and otherwise improperly handling them. It is stated also, that one of the pupils, whose character is not above suspicion, occupied, for some weeks, a bed-room adjoining the room in which Mr. L. slept, one room opening into the other ; and it is stated that he proposed to donate to this girl forty acres of land—for what purpose is unknown. One of the attendants stated, that while passing his room, on one occasion, she saw him lying upon a sofa, and two or three girls lying or leaning over him, and his hand under one of the girls' clothes. Whether these are facts or not, it is believed by many of the pupils and teachers that he has indulged in improper intimacies and familiarities with certain of the pupils, and this belief is calculated to destroy the usefulness of the Institute.

The persons with whom I have conversed are Mr. C. M. Walker, teacher, Mr. Newell, music teacher, Mr. McGiffin, teacher of handicraft, Mr. Hodges, laborer, Margaret Belches, assistant music



teacher, and Isabel Cooper, female attendant. I presume they will make the same statements to you that they have done to me. I will only add, that whatever is done in this matter, in my opinion, should be done immediately.

Respectfully, yours,

E. W. H. ELLIS.

The foregoing letter having been read, Dr. Ellis offered the following resolution :

*Ordered*, That Professor Larrabee be authorized to employ counsel in the case, and that counsel be employed by the board, to aid in the investigation of the matters charged.

Which resolution was lost by the following vote :

*Aye*—Ellis. *Noes*—Messrs. Carr, McCullough and Palmer.

Dr. Ellis also proposed that the board shall employ a clerk, to take down the testimony; which proposition was negatived by the same vote.

Prof. Larrabee presented a request that Rev. J. L. Smith, and Rev. Mr. Taylor, might be present at the investigation; which request was unanimously granted.

The board proceeded with the examination of evidence, and at 5 o'clock, P. M., adjourned until to-morrow morning at 8 o'clock.

Attest :

E. W. H. ELLIS,  
*Secretary.*

WEDNESDAY MORNING, Sept. 24, 1856.

Board met pursuant to adjournment—present, the same officers as yesterday.

On motion by Mr. Palmer, John S. Tarkington, Esq., was appointed, as clerk, to record the testimony; whereupon, Mr. Tarkington appeared and proceeded with the discharge of his duties.

Board proceeded with the examination of testimony, and at 5 P. M., adjourned till to-morrow morning at 8 o'clock.

Attest :

E. W. H. ELLIS,  
*Secretary.*

THURSDAY MORNING, Sept. 25, 1856.

Board met pursuant to adjournment—present, same officers as yesterday.

Examination of testimony continued.

During the morning session, Mr. Larrabee announced to the board that Mrs. Larrabee had arrived from Greencastle, and desired to attend upon the sittings of the board. She was thereupon admitted by the following vote:

*Ayes*—Messrs. Palmer, McCullough and Read.

*Noes*—Messrs. Carr and Ellis.

Examination of testimony continued, and at 10 o'clock, P. M., board adjourned until to-morrow morning at 8 o'clock.

Attest:

E. W. H. ELLIS,  
*Secretary.*

FRIDAY MORNING, Sept. 26, 1856.

Board met pursuant to adjournment—present, the same officers as yesterday.

The examination of testimony was resumed, and closed during the afternoon session.

Professor Larrabee asked leave to file an affidavit with the testimony; which was unanimously granted.

After some remarks by Professor Larrabee, reviewing the testimony, and in vindication of himself, the board proceeded to a decision.

Dr. Ellis moved that all but members of the board retire from the room, to enable the board to deliberate upon the testimony; which motion was decided in the negative, as follows:

*Ayes*—Messrs. Ellis and McCullough.

*Noes*—Messrs. Carr, Palmer and Read.

Mr. Palmer thereupon presented the following preamble and resolution, and moved their adoption, to-wit:

“WHEREAS, The Board of Trustees of the Institute for the Education of the Blind, having closed their investigation of the charges preferred against Professor Larrabee, the Superintendent, deem it proper to state, that in such investigation the board has given the utmost scope and latitude in the admission and examination of testimony, in order the better to elucidate and draw out all the facts, both as to the conduct and motives of the Superintendent, in regard to the charges preferred. The result of this investigation, so had and conducted, after duly considering and weighing all the evidence, (much of which is inconsistent and contradictory, and some not entitled to credence), the board have deemed it just and proper to adopt the following resolution:

*Resolved*, That there has been no evidence of any improper or criminal intercourse, by said Superintendent, with the pupils or inmates of the institution, and that his conduct has been kind and paternal, and as a father and friend to all under his charge, and that there has been no credible testimony affording the color of suspicion of bad motive, or improper intent on his part, towards any pupil or inmate of the institution.”

Dr. Ellis moved the adoption of the following resolutions, as a substitute for the foregoing, to-wit:

*Resolved*, That the evidence adduced in this case does not, in any particular, convict Prof. Larrabee of criminal intercourse with any person connected with the Institute.

*Resolved*, That the evidence does convict him of improprieties, in act and conversation, with a portion of the pupils, such as the board cannot approve, but that the board do not charge him with any criminal intent.

The question being upon the adoption of said substitute,

*Those who voted in the affirmative were,*

Messrs. Ellis and McCullough—2.

*Those who voted in the negative were,*

Messrs. Palmer, Carr and Read—3.

So the motion was lost.

The question was then taken on the adoption of the preamble and resolution offered by Mr. Palmer, with the following result:

*Ayes*—Messrs. Carr, Palmer and Read—3.

*Noes*—Messrs. Ellis and McCullough—2.

So said preamble and resolution was adopted.

Dr. Ellis offered the following resolution :

*Resolved*, That the evidence of improper conduct towards some of the inmates of this institution, on the part of George Castles, is of such a character as to require his dismissal from the Institute, and that the Superintendent be requested to carry this resolution into effect.

Mr. Palmer moved to postpone the consideration of the resolution until the next meeting of the board ; which motion was agreed to as follows :

*Ayes*—Messrs. Carr, Palmer and Read—3.

*Noes*—Messrs. Ellis and McCullough—2.

On motion of Mr. Palmer, the following resolution was adopted unanimously :

*Resolved*, That the Secretary *pro tem.* be directed to copy and carefully correct the report of the evidence taken in this investigation, and to deliver a copy of the same to Professor Larrabee, that he may have an opportunity to draw up his exposition of the testimony, and such vindication of his course as may seem to him to be just ; and that he deposit the original of said reported evidence, in his own hand writing, with the secretary of this board, for future reference and the proper use of the board.

And there being no further business, the board adjourned until Tuesday the 21st of October, at 2 o'clock P. M.

Attest :

E. W. H. ELLIS,  
*Secretary.*

### TESTIMONY.

C. M. WALKER, principal teacher, called :

Witness does not appear as a prosecutor or volunteer—feels kindly towards Professor Larrabee ; knows nothing of the forty acres of land ; have seen Mr. L. have some of the girls, at various times, in his lap ; did not inquire into his motives ; don't pretend to charge criminality on Mr. L. Margaret Cramer was taken sick ; there was no room in the Hospital, and she was placed in a room adjoining Professor L.'s room, and remained there long after her recovery. The cases of the girls sitting in his lap, were generally public, but have seen it sometimes when I have gone into his room unexpectedly ; I disapproved of his familiarities ; have heard him say that he wished to treat them as the head of a family.

These girls whom I have seen in his lap were of all ages, from seven and eight years, up to nineteen or twenty. On one evening I went to his room for a sheet of paper; found the front door locked and supposed he was absent; went to another door and entered; found Mr. L. and Margaret Cramer in the room, both on their feet, the girl appeared surprised, Prof. L. a little flurried; have seen him take the girls by the waist and kiss them. Margaret Cramer occupied the room before mentioned off and on two or three months after her recovery; her age was probably nineteen; Mr. L. was more familiar with some girls than others; those from seventeen to twenty years of age, or thereabouts; more with them than with those older or younger; his general conduct was familiar and paternal; witness would consider his familiarities inexcusable in himself, but might be excused in the case of Prof. L.

L. S. NEWELL, music teacher :

My evidence is mostly hearsay; statements made by the pupils on frequent occasions; know nothing myself; complaint was made by a number of the pupils; Miss Cook, the matron, before leaving, introduced the subject.

MARGARET BELCHER, assistant music teacher :

Have heard a great deal, but have seen little; have been very little in his company; have heard a great many talk about these familiarities; have heard several girls speak of it; have heard so many I don't like to specify.

MARY A. THRALL, pupil :

Have seen Mr. L. fondle and caress the girls on his lap; he fondled and caressed them in various ways; not all the girls, but a large number of them; he pulled me down on his lap and kissed me several times; sometimes I resisted him, but it became so common, I did not continue my resistance. I avoided his room in consequence of these reported familiarities; have seen him put his hands inside of the girls dresses, in their bosoms; he said he would know whether they had any cotton in their bosoms: said he would know whether I had any cotton in mine; I said he should not; have seen him do so to Sophia Bogley and Louisa Briggs once or twice; the girls said he meant nothing; only treating them as a father would; have been here five years. I went to Mr. L.'s room one Sabbath morning on an errand; the door was partly open; saw Mr. L. sitting in the lap of Rosanna Garrison; he sat astride of her lap, his face towards her; Mr. L. observed me and got up and waited on me. I can see so as to read a little, can distinguish persons generally by their clothes. I was invited by the girls one

evening to his room; I had just returned to the institute, and they said Mr. L. wanted to see me; after being sent for the second time, I went; I entered the room in company with Maria Crume; the room was somewhat dark; Mr. L. was lying on his back on the floor; some of the girls were sitting on him, or lying on him; Sarah Morgan, fifteen years of age, was lying across him; Catherine McKenzie, Maria Crume, Emily Cole, Sarah Morgan, Rebecca Sedan and Mahala French were in the room.

ANN A. PAXTON, assistant teacher :

Knows Mr. L. has had some of the girls on his lap and kissed them; don't know as he intended any harm by it; have sat on his lap a few times; sometimes when he was looking at my eyes, and sometimes when he was not; he often took hold of the girls and pulled them on his lap; pulled me upon his lap one day, and put one of his legs across my lap; thought it was improper.

MARIA CRUME, pupil :

Don't know of his taking improper liberties with the girls; never sat in his lap: might have been kissed by him, but not improperly. His uniform treatment of the girls was kind; like that of a father to his children.

MARY THRALL, recalled :

My avoidance of Prof. L.'s room was on account of gossip about the Asylum, and did not want myself brought into the same.

CHARLES NELSON, pupil :

It is a matter that I know but little about myself; well, I don't, I can't say that I know but very little but heresay.

*Question.*—Have you the statements? (Charges read.)

Well its I believe, I remember seeing two girls in his lap, good while ago; one, Margaret Cramer; one, Rosanna Garrison, on different occasions, in the office, in the fore part of winter; several other persons in the room at the time; had occasion to come in the office; think they did not get off his lap when I came in; don't remember about the door; was not hugging or kissing; I've heard talk among the pupils about these matters. I have been here six years October first; have been a great deal in the halls, in Prof. L.'s presence; and in female parts of the house in leisure hours; have heard Prof. L. remark that at all times his doors were open to all; there has been, though not so much gossip, under previous superintendents, about similar things.

ISABEL COOPER, attendant, charges read :

I have seen girls sitting in his lap frequently; have seen him have his arms around the girls—large girls; seen good many of them; a common occurrence. I have seen him have his hands outside of the girls' bosoms; feeling bosoms; never treated me in that manner; never tried to have me sit in his lap; I was passing the office door; he was on the settee, and two girls lying over him; lying so as to touch him, his arms by his side. If I was going to say anything, I would say that his hand was under the clothes of one of the girls; his hand was under the clothes, covered by her clothes; was under the clothes of Julia Bryant; it appeared to me as if his hand was really under their clothes; clothes raised up a little. I have been working here two years; don't work here now; don't know that I am coming back; liked it very well. Prof. L. asked me what I had told Dr. Ellis, who had talked with me twice about the matter; Mrs. Dunn told me she thought what I had told Dr. E. did not amount to anything. Prof. L. did not try to persuade me not to testify more; office door was open when Prof. L. was with the girls; no other person about; there has been a good deal of visiting and playful familiarity among the girls and Prof. L. Prof. was very kind, thought sometimes too kind; his familiarities with girls were talked of a good deal about the house. The other chamber girl, Elizabeth Roweth, and I were in Cordelia Lovejoy's room, when Cordelia said she had lost a dress, in middle of the week. This was the next Monday—cleaning rooms; was in the little room. Mrs. Cook found the dress in a little trunk in the little room; Cordelia thought I had the dress to plague her; Cordelia told Professor that I had keys of rooms; I denied it; Professor said he thought it probable that I had keys. Mrs. Cook said she thought Margaret C. and Miss Crawford got the dress. I was here in Mrs. Simpson's time; was not accused. I am not an enemy to Prof. L.; am as friendly as I ever was; only did not like to be accused of taking keys. The occurrence about the taking of dress was when Miss Crawford was here; this was in the spring. One day in the hall, Professor was joking Elizabeth Roweth; she said she wanted Charley, (Prof. L.'s son.) Professor said she could not have him, but if she would come up in his room some night, he would make her ready for somebody else to marry. Elizabeth said she did not like it; E. R. was implicated in the dress matter; she was with me; she was not dismissed as I know of; Elizabeth Roweth left the institution last of July. Cordelia, after the dress matter, told me she did not blame me; Prof. Larrabee said nothing of it.

DR. WOODBURN :

It was some time in February I was called here; about that time Margaret Cramer was taken sick; her disease was a little intermittent fever—may be a little lung fever—some hysteria. She was

sick four or five days ; so far as any abortion is concerned, I don't believe a word of it. I think I attended her four or five days—she occupying one of the suite of rooms above; found her sick in Professor's study; I think I was the first physician called; I was in the Hospital about that time; there might have been room for Margaret Cramer in the Hospital; only one or two persons in Hospital. I think I prescribed for her first on account of the suddenness of the attack.

She relapsed some week, or weeks, after the first sickness, and was sick a few days. Prof. Larrabee was probably present on my first visit to Margaret Cramer; saw him, I think, about one half the times I was visiting Margaret Cramer; never saw any improper conduct of Prof. Larrabee toward girls—only kindness.

GEORGE CASSELS, cook, &c.:

My employment here is that of cook and market man ; have access to all parts of the house. I could not positively say how long Margaret Cramer occupied the room adjoining Prof. Larrabee's study—I expect about two months—sick all the time. The room occupied by Margaret Cramer was the room adjoining Prof. Larrabee's study—the door opening from one to the other. Margaret Cramer was not confined to her bed all the time; was unable to attend lessons; during all the time she was unable to come down but once or twice a day to her meals.

I believe I saw Margaret Cramer sitting on Prof. Larrabee's lap in the office ; she had been crying—office full of pupils—door open. Never saw her at any other time in his lap; I did not tell any one, positively, that Prof. Larrabee would give any body forty acres of land. Margaret Cramer was with me one evening, talking to me—Prof. Larrabee sick—Margaret said, “ Professor said to Charley, ‘ what shall we do when Margaret Cramer and Cassels get married ? ’ ” Professor said he had one hundred dollars to enter land for me in Jasper county—that he had a notion to give Margaret Cramer forty acres in Jasper county, and when he and Charley went up they would board it out. I told Hodges about Prof. Larrabee saying he would donate forty acres to Margaret Cramer; didn't tell Hodges I thought Prof. Larrabee would give the forty acres for sleeping with her. Hodges suggested such a thing; I made no answer. I never said I though Professor had slept with Margaret Cramer. All the reason I gave was that Professor might be partial to Margaret.

I visited Margaret in Professor Larrabee's rooms; I was offended with her once, but it had no connection with Professor Larrabee. I occasionally called on the domestics; was familiar as far as the work was concerned—not otherwise. Nothing afterwards said about the forty acres of land.

Never saw girls in Prof. Larrabee's lap. I talked with Margaret Cramer about the forty acres; never believed Prof. Larrabee would



give it to Margaret; I and Margaret Cramer have been engaged to be married for over one year—still are.

Prof. Larrabee's policy has been to act as a father to pupils and domestics; to accommodate every person; to keep one from being imposed upon by another. He had the pupils around him familiarly, and I wondered to see him bear with the pupils as he did; never saw him angry. I am aware that Isabella Cooper is hostile to you; [to Prof. Larrabee.] I think she bears malice toward Prof. Larrabee; don't think she does towards Mrs. Dunn. She always talked against Prof. Larrabee; she talked about him as if he wanted to impose on everybody; that he had encouraged others who blamed her for stealing.

Elizabeth Roweth was implicated in the charge of stealing with Miss Cooper. The girls staid here about two months after the charge of stealing; Prof. Larrabee said he would make no change in the domestics until vacation, and asked my opinion of the girls. I never recollect of hearing, at that time, anything about these girls stealing; am not aware of any evidence of their stealing. Prof. Larrabee never charged them himself; I think Prof. Larrabee said he did not want to hire again Elizabeth Roweth. I understood that Prof. Larrabee had to change her from waiting on the table to another, as the pupils complained of her waiting on them, and on that account did not want her.

EDWARD CORY, pupil:

So far as I know, I know nothing of the charges against Prof. Larrabee. Have heard many charges. I think Prof. Larrabee's treatment has been even—been the same. As a father of a family as far as I could see; by seeing I mean so far as I could understand. The pupils generally esteemed Prof. Larrabee very highly, as far as I know—I expressed some suspicion at one time that one article of mine had been taken, that it was very singular how it was lost—I suspicioned no one, not having a sufficient knowledge of the two girls spoken of—As to E. Roweth I was convinced that she was not to be suspicioned, by circumstances which afterwards took place.

GEORGE O. WORK, pupil:

I can see a little, I have seen young ladies set on Prof. Larrabee's lap; not frequently; the girls were of the ages between fourteen and twenty; seen it occur in this room, the office; never seen him kiss them or place his hands in any improper places; the like of such familiarities I suppose has been done; I had charge of door; could see a great deal of what was going on between pupils, male and female; the pupils associated freely; I believe Prof. Larrabee in one of his lectures told us to treat each other as brothers and sisters, not stop short of acting as beaux; I think Prof. Larrabee

has treated me as a father, treated me with respect ; I con't grumble ; I kept the door in the forenoon, and recommended to Prof. Larrabee Margaret Cramer for door-keeper in the afternoon, as she had waited on the previous session ; I have seen M. Cramer go to Prof. Larrabee's room in the night, not in her night clothes ; never saw Prof. Larrabee go to her room ; never heard opinion of M. C's character.

L. D. TAYLOR, pupil :

I came here in January, 1846 ; have seen, or heard as I cannot see any, girls on Prof. Larrabee's lap in the office ; other boys and girls in the room at the same time ; I have not a particle of complaint against Prof. Larrabee ; he has treated me as well, if not better, than any former superintendent.

In kindness, Prof. Larrabee has treated the pupils as a father, and he has publicly stated that he would be glad to install all in my situation, in good situations, after we should leave this institution ; I have been pupil here since 1847 ; I have heard some of the pupils complain of the manner in which he treated the girls.

MILTON S. HOLMAN, pupil :

I know but very little ; I can only see that it is light ; I have heard things noised around about the charges against Prof. Larrabee ; Prof. Larrabee's treatment of the scholars, male and female, has been very kind ; never heard any complaint of his treatment ; It looked to me as though he had a great feeling for the pupils ; Prof. always, as far as I am concerned, when I came into his room arose and led me to a seat, or had some one to do so.

MR. HODGES, laborer :

I have been here ever since the asylum started, or nearly so. During the time of Prof. Larrabee have been his right hand man ; been consulted as to the building, &c. I have seen girls setting on Prof. Larrabee's lap ; I have seen him on sofa with the largest girls lying across him ; have seen Margaret Cramer on his lap ; seen her kiss him ; this I have seen more than once.

I have gone to Prof. Larrabee's room, rapped, went in, found Prof. and Margaret Cramer alone ; both appeared to be agitated ; have seen him in a room alone with one girl on his lap, and at other times with other girls ; thought he might feel ashamed to be found kissing girls ; I did not think anything of it as I thought Professor a nice man.

I went to Professor Larrabee's room on business, knocked at the door, went in, and on entering saw Professor Larrabee lying on the sofa with two girls leaning across him and the sofa together, another girl knelt at the head leaning upon him.

The girls leaning over the Professor certainly touched him; the girl kneeling had her elbow on his breast; I could not say who the girls were; I can't say that I saw anything else.

I talked with the Professor about the reports of him in the Asylum; this was about seven weeks ago.

Previous to this, Cassels came to me and expressed a jealousy of Professor, and wished it to be confidential.

I went to Professor Larrabee as a friend and communicated to him the reports, and who the author was.

1. I told Professor Larrabee Mr. Cassels told me that he went to Professor Larrabee's room for the purpose of seeing Margaret Cramer, and that he found her seated on Professor Larrabee's lap, and that Professor Larrabee was feeling her breasts; he (Cassels) asked me how I would feel if I was in his place, I told him that he might be more jealous in disposition than I, but if things appeared to me as they appeared to him, that I would leave her and have nothing more to do with her; he said he'd be damned if he would have anything more to do with her.

2. The evening or two after Mr. Cassels stated that Mrs. Larrabee was here; he said that Mrs. Dunn went to Greencastle and communicated something to Mrs. Larrabee, which created a jealousy in Mrs. Larrabee; and also said that Margaret Cramer had been driven out of Professor Larrabee's room.

3. I told Professor, also, that Mr. Cassels told me, that Margaret Cramer had told him that Professor Larrabee asked her how old she was, she asked why he wanted to know, he said he wanted to know whether she could hold forty acres of land if he was to give it to her. Then he (Cassels) inferred that the forty acres of land was for sleeping with her; and asked her if it was not. to which she answered nothing, but hung down her head. (This I told Professor Larrabee.) Then he (Cassels) remarked that he believed these statements were true, and added, if they were true, that she, (M. C.) had him (Professor L.) so in her power that she could play the devil with him if she liked.

4. I also told that Mrs. Cook had given directions to the washerwoman to examine her (M. C's) clothes in the wash; for which, he (Cassels) said, Professor Larrabee was giving Mrs. Cook the devil.

5. Cassels also stated, that John Ford said he had been in the habit of sleeping with M. C., and that he had the key belonging to her room, and that he, Ford, said M. C. gave him the key of her room.

6. During the time that Mr. Cassels quit going to see Margaret Cramer, he was making love to one of the hired girls in the basement. He, Cassels, said he had repeated intercourse with her, did what he pleased with her.

7. He also told me that Professor Larrabee had made inquiry of Miss Crockett why he, Cassels, behaved so strangely toward Margaret Cramer, why he did not pay his addresses to her as

usual, to which Miss Crockett replied "she did not know." He, Professor Larrabee, requested her to find out.

8. A short time after that he, Cassels, told me he was going back, but he did not care a damn about her. He, Cassels, told me that Margaret was jealous of Elizabeth, of his going with her and that she, M. C., had hid some of the blind girls clothes for the purpose of faulting some of the hired girls to Professor Larrabee; so that Elizabeth might be turned away, and he, Cassels, be forced to pay his addresses to M. C. as usual.

9. All these statements I made to Professor Larrabee out of pure good will toward him; requested him to call Mr. Cassels to an account in my presence, and investigate the charges. "Oh," he said, "there was no truth in it, he did not care anything about it." I asked him if he would not rather have the respect than the disrespect of the people; to which he replied, "No, no, he did not care anything about it."

I also stated to Professor Larrabee that when this girl, Elizabeth, was urged by her brother-in-law, to sue Cassels for character, that she plead guilty and refused to enter into lawsuit, as he, Cassels, had made love to her and had sworn to her that if he got her with child he would father it. That she, Elizabeth, said, "Cassels was continually trying to do something of that kind while in her company, and that she had resisted him for a number of times, but finally gave up."

Professor Larrabee said the way the forty acres of land came up was that Cassels had given him one hundred dollars to buy him, Cassels, a piece of land, and he, Professor Larrabee, remarked that if M. C. merited it he might buy her forty acres of land and attach to it.

There was no person present at any conversation I had with Professor Larrabee, save that concerning Mrs. Larrabee's presence at the Asylum and her jealousy, at which time Mr. Cassels was present and heard what was said.

The last conversation I had with Professor Larrabee was near the close of the session. Soon after this last communication and may be near the close of the term, I don't recollect precisely the time. After informing Professor Larrabee I sought an interview with Mr. Palmer.

10. Mr. Cassels being with me, and being urged by him, we met Mr. Palmer at the Palmer House, Mr. Cassels went into the Palmer House and, I suppose, told Mr. Palmer that we wanted to see him, Mr. Palmer came out, I told Mr. Palmer that I wished to have a little conversation with him, about the affairs of the institution. Mr. Palmer said that he would be at the Asylum in a short time and I could tell him then.

Mr. Cassels told me he wanted to communicate to the trustees how Professor Larrabee was going on with the girls. I did not see Mr. Palmer, but three days thereafter saw Dr. Ellis. Mr.

Cassels seemed to be very much offended at the conduct of Prof. Larrabee.

There has been some difficulty between me and some of the inmates of the Asylum; the difficulty was with those hands placed under me by Professor Larrabee. Two men were here from the Insane Asylum, one of whom picked up a hired girl out of the kitchen, dragged her along the hall, she offering resistance the whole way, took her into a room, threw her down on the carpet, and put one leg over her, and there held her for some time. I opposed the conduct of this man. I met Mrs. Dunn immediately after, who remarked that I was agitated and inquired the cause. I told her that if these Irishmen did not quit coming here and running the house over, and carrying on in the manner they were doing with the girls, I would break their damned necks.

Mrs. Dunn said if the men wished to come and see the girls they had a perfect right to; went on to tell how they had been doing and that was all I said to her.

Next morning Professor Larrabee inquired what was the matter with me, Mrs. Dunn had remarked that I was excited; I told Prof. Larrabee what was the matter; how this man had been going on with the girl, and that I had opposed it. He recommended the course, and said if I was strong enough to keep them away to pitch in and do so. There was no one present, to my knowledge, at the conversation with Professor Larrabee.

CASSELS recalled :

I deny all of the first paragraph in the testimony of Hodges, so far as it is represented that I said anything to him; also, all the 2d paragraph; also, all the 3d paragraph; also, all the 4th and 5th paragraphs. As to the 6th paragraph, Hodges asked me if I had intercourse as stated in paragraph, but I declined answering. I also deny 7th paragraph and 8th. Deny in the 10th paragraph the object of the visit to Mr. Palmer as stated by Hodges.

Mr. Hodges was called up before the Board about the hands. The time at which Hodges and I went to see Mr. Palmer was immediately after the June meeting of the Board of Trustees—the same week. The object of the visit to Mr. Palmer, on the part of Mr. Hodges, and he proposed for me to go for the same purpose, was to see Mr. Palmer before Professor Larrabee could see him, in order to defeat the election of Mrs. Dunn for matron of the Asylum, at the election of officers to be held by the trustees thereafter. Hodges alleged that if Mrs. Dunn was elected, neither he nor I could get along; that he would be discharged.

As we went down I tried to delay, that he might not see Mr. Palmer. Hodges was going to defeat the election of Mrs. Dunn by showing that she was the cause, of which the trustees had complained, the expense, and not the hired men.

*Question*—State whether you are on terms of intimacy with Hodges.

*Answer*—I roomed with Hodges, on friendly terms. My feelings toward Mr. Hodges are now, that I think he is a man who meddles in other people's business. Am friendly to him. It may be possible that I have talked with him about Margaret Cramer—I have admitted as much. I have talked about the forty acres—told Hodges I had seen in print about Professor Larrabee owning a deal of land; that being as he, Hodges, was a poor man, he, Professor Larrabee, would make him. Hodges, if he behaved himself, a present of one hundred acres, may be I told him that Professor Larrabee had made some proposal to give Margaret Cramer forty acres of land.

I could not positively say what I said then. He suggested—asked me the question, what would Professor L. be offering a girl—making such a proposition to her? I don't recollect what I answered; don't believe I answered anything.

Mr. Hodges didn't say anything to me about never going back to Margaret Cramer. I didn't go to sleep after this conversation very soon—I was thinking of the impression he was trying to place upon me. I don't recollect of having any conversation on this subject at any other time. I heard Hodges tell Professor Larrabee something. We had a seamstress; he complained of her to Professor Larrabee, and he intimated that the Professor kept such a woman, and would report to the trustees. Nothing said about Mrs. Larrabee, or if anything, not aware of it, to my knowledge. I never said anything about Margaret Cramer. I said positively that there was not a word of truth in the things about Margaret Cramer and Professor Larrabee. Persons have talked to me and I have appealed to them. I never introduced the subject. I have heard the subject talked of in my presence, and have talked of it myself—several of the subjects, most of them brought up since the matter has been brought up.

I talked with Miss Cook about this matter; she introduced the subject, and she denied believing the truth of the reports. When such things were talked of with Miss Cook, other persons might have been present. I would not positively say but that Elizabeth Roweth brought charges to me against certain parties, and talked with her, and saw it was all moonshine.

Never told Elizabeth Roweth that I was jealous of Professor Larrabee; I never told her that I suspected Margaret Cramer of improper intimacy with Professor Larrabee, either directly or indirectly: never made accusation against Mrs. Dunn; never said I thought, or said I had heard that Mrs. Dunn was extravagant; did not give any opinion of my own.

When Hodges said Mrs. Dunn was extravagant, I did not concur, but told Hodges he was throwing the blame on Professor Larrabee when he never threw any on Mrs. Dunn.

I backed out of going to see Mr. Palmer, but Hodges said I could

go along and be a standby. He wanted me to accuse Mrs. Dunn of coming to the kitchen, getting pies, &c., and that Mrs. Dunn was accusing Mrs. Cook of it.

Hodges learned me the story—told me what to say. I had learned it pretty well; I didn't intend to use the story. I tried to keep Hodges from having an interview with the trustees, as it would do us no good. I never said I would tell the story. The story was that Mrs. Cook was in the habit of coming down and getting pies and cakes, and Mrs. Dunn was in the habit of doing so, and put it all down against Mrs. Cook.

Miss Crockett has talked with me about Margaret Cramer—I do not recollect Miss Crockett saying anything about Professor Larrabee wondering why I did not visit Margaret Cramer. Miss Crockett was in the habit of visiting me while baking, and talking and joking freely—talked about Margaret Cramer. I heard in the basement something about some rumor of Miss C. telling some of the girls to watch Margaret Cramer's clothes. John Ford told me that he had been implicated as having the key of Margaret Cramer's room; that key found on John Ford's bed; found by Dillon; taken to Ames; and that John Ford was afraid he would have to leave the Institution on charge of having connection with Margaret Cramer.

*Question.*—Cassels, explain the cause of the coldness which sprung up between you and Margaret Cramer, spoken of in your testimony yesterday.

*Witness.*—The reason of the coldness was, I went up to Margaret Cramer with some dinner, on Sunday; I made some remarks about her dress; that she was dressed very lightly, not suitable to the season, as she was sick; and she tossed her head as if it was none of my business. I thought to myself, you may take your own course. I would not say anything further with her. Went up in the evening; she was on the sofa sick; spoke to her; she did not speak to me. I went down stairs; thought she was slighting me. Did not go up again to see her for two weeks—as often as formerly. I think that I went to see her during that time, but I would not positively say. I deny that that coldness had anything to do with Professor Larrabee.

When I visited Margaret Cramer, I went into Professor Larrabee's study. Margaret's bedroom was No. 1; study was No. 2; Prof. L.'s bedroom No. 3—doors opening between the rooms—the study being the middle room between the other two.

I can't say about Margaret Cramer's door being locked when I went to see her. There are two rooms to hospital; there are three or four beds in the hospital; beds all full and overflowing at the time Margaret Cramer was sick; do not know how long; they were full at the time she was taken into Prof. L.'s study.

Don't know when she left his room. She was sick in his room about two months, or six weeks—do not know precisely. Professor Larrabee asked me in the autumn if my intentions were hon-

orable toward Margaret Cramer. I know that I heard that you (Prof. L.) had been told that I and Margaret Cramer had been out late at night, and he asked me if my intentions were honorable—if I loved her truly. After Professor saw me alone, he had us, Margaret Cramer and I, together, and told us that he approved of the engagement, and told us that we should not go into private rooms to see each other; but that at any time we wished to visit each other, we were welcome to his study. For that reason, when I came to see her, I always went to the study door—never went to her bedroom door—inferred Professor would not think it proper. I heard that Margaret was put in the room she was, because her room above was too cold, and that the doctor recommended the change. A fire was kept in the study in a stove.

ELIZABETH ROWETH, attendant:

I don't know much. Have seen the girls on his knee—he hugging and kissing them. Never treated me in that manner. I and Isabella Cooper were in the hall; we were talking about his son. I asked him if I could have him for a beau; he said no—that I could have himself, and if I would come up in his room some night, he would make me ready for some one else to marry. I made no reply; I thought Professor was joking. I have heard Cassels speak of Margaret Cramer—don't recollect anything much. Cassels said that when he went up to see Margaret Cramer, Professor Larrabee always went out of the room, and left the room for him. Did not hear Mr. Cassels say anything of Mrs. Larrabee coming from Greencastle—nothing of his leaving Margaret Cramer. He did leave her—did not go to see her as he used to. Have not heard him have any conversation relative to Hodges. Sometimes persons were present when the girls were on Professor's knee—sometimes only Margaret Cramer—sometimes Morgan.

MRS. DUNN, teacher.

I became acquainted with Professor Larrabee ten years ago the middle of September; went to Professor L.'s; became a member of his family—was a member of his family as pupil and teacher two years, except vacations. There were twenty-one girls boarding in the family of Professor Larrabee at that time. He treated the pupils, his boarders, the girls, as his daughters only—was in the habit of holding them in his lap, kissing and being kissed by them. Often went to meet him at the gate—escorting him to the door, as we would go to meet a father—kiss him, his daughter doing the same. I saw no difference in his treatment of his daughter and the girls boarding with him. This kissing was often done in the presence of Mrs. Larrabee; she never objected to it, but encouraged it. I was elected to this Asylum before Professor Larrabee. I did not dream of the Professor being connected with the Asylum when I



accepted my situation here; Professor Larrabee arrived here first. Professor Larrabee's treatment of the female pupils here was the same as at home—maybe more sympathy for the pupils here, as they were orphans, and needed more sympathy. The girls needed more sympathy here than the boys—they are more sensitive and delicate; cannot exercise out of doors as much as the boys; more in the house and in the presence of Professor Larrabee. In leisure hours the boys are generally out of doors, walking down town; the girls in the hall.

I was very much in the hall; often saw the Professor walk with the girls; his arms around their waists. He once walked with Mrs. D., a lady visiting here; walked thus on the veranda. The lady spoke of it as there being nothing improper in it. I never saw any conduct with the female pupils improper which a father would not pursue with his daughters. I would have known if anything improper had occurred. Never went to his door and found it locked. When Professor wished to reprove the pupils, his custom was to lock the door. I never found the door locked. Professor has had private talks with me and locked the door. I have seen lots of the girls, when Professor came out of chapel and dining room, gather around him, form circles, so that he could not get out—kiss him. Professor said that the blind girls were very companionable.

I have seen the girls throw themselves in his lap—two girls at a time. Have known the Professor to be sick—lying down reading—when the girls would throw themselves between him and the book; have done the same toward me. He never repelled any one, as it was not his nature. The girls were very much at outs with each other; Professor L.'s efforts were directed to this and succeeded. That his manners soothed and had a good moral effect on the girls, and the effect on their modesty was improving so much I spoke of it. I often consulted with him about the girls—often went, after nine o'clock bell rung, as he was then alone. He said, in discipline, the teachers, except myself, were of no benefit. I might say that there were thousands of instances in which discipline was necessary. Such discipline, except in aggravated cases, was never made public.

Margaret Cramer waited on company immediately after she came here, at the beginning of last year, and continued to do so until she was taken sick. It is altogether necessary for the person who waits on company to have much intercourse with the Superintendent, from various causes. That the person waiting on company should spend much time near the door—that time is generally spent in the public parlor, in the afternoon, when the girls kept the door. There were no means of warming the public parlor until about Christmas. There was no room between my room and the office warmed, but the office and Mr. Walker's recitation room. Margaret Cramer was in the habit, as a matter of convenience, of waiting in the offices in the intervals between receiving company—

generally spent her time working. It was perfectly natural that Professor Larabee should become acquainted with her. Professor L spoke to me of her remarkable intelligence—of her aptness in making herself useful about the establishment—more generally domestically, as I know it to be in the house, than girls generally seeing. In domestic concerns, when the girls wanted a party, &c., Margaret was the best girl that could be got. The girls always called on her, without asking the teachers who they should get. I knew Professor Larrabee thought very highly of her.

I named to the Professor, one day, three girls against whose characters I had heard surmises—Margaret Cramer was one of them. He asked me the reasons of the foundation of the surmises against Margaret. My answer was, I told Professor L, in relation to Mr. Cassels having gone out with Margaret Cramer and remaining until a late hour; that it was before Professor L. was Superintendent; that Cassels and Margaret Cramer occasionally, as I knew myself, spent some time, up to the nine o'clock bell of the evening, in the library room together.

Professor Larrabee immediately saw Margaret, and on going to his room found him with her, and he remarked that he was talking with her about the matter with Cassels. Professor did not tell me that Cassels and Margaret Cramer were engaged; but I thought Prof. Larrabee thought they were engaged—as I thought so.

Professor Larrabee said he had become perfectly satisfied of the virtue of Margaret Cramer. No doubt that he became perfectly satisfied of the perfect virtue of Margaret Cramer. I know all about Margaret Cramer's being put in Prof. Larrabee's room; Margaret was in poor health for a long time before she was taken down; I did not know what was the matter with her, thought it was chills; it was Miss Cook's business to take care of the sick. Out of friendly feelings to the girls, of course, I visited them when sick; Margaret Cramer was sick at two or three different times, previous to her winter illness—her lung fever.

[Mrs. Larrabee was here admitted.]

I knew, before her winter illness, of the disarrangement of her system, from which some two or three of the girls were suffering. I found it was disarrangement of her monthly periods; she was complaining quite a number of days before she was taken down—she and Dr. Dunlap were taken sick about the same time; Dr. Dunlap gave her some medicine before he was taken sick. Kate McKnight and she were complaining a good deal, some three or four days, and Prof. Larrabee told them to go up to his study and lie down; there was a stove in the study; it was in the winter time; this was about the middle of January, I think. I went up and saw them; Professor had taken a settee from the office, and Kate was lying on the settee; Margaret Cramer lying on the sofa—both near the stove. Professor and probably some of the pupils were in the room. When I went in, I remarked to the Professor that he had made a hospital of his room. The hospital was full at this time—

three or four beds in the hospital—the beds were for single persons; but sometimes when crowded two would occupy one bed. I know the hospital was full at this time, and it was very noisy there, though it ought not to be. But it was, because the sitting room of the girls was not properly warmed, and the well girls flocked into the hospital to warm. Margaret Cramer and Kate remained sick for two or three days—cannot specify particularly; they were on the settee and sofa during the day, and slept at night in the bedroom adjoining. The door was open by day to warm from the stove room; the door opening from stove room to bed room was locked by night, with key on the inside; have been there by day and night; have been to the girls room after they had gone to bed, found it locked on the inside, as was the door from the hall. When Margaret Cramer's sickness proved to be severe, we sent for Dr. Woodburn, as Dr. Dunlap was sick, who had been giving her medicine up to the time of his becoming sick.

Dr. Woodburn was the first doctor called after she became so severely sick. When he came to see her the first time she was on the sofa, and I think Dr. Woodburn said, the first time he came to see her, that she ought to be on the bed. He said she was very sick; he made examination and said he thought she had lung fever, and asked me questions about her—what her symptoms had been since she became sick.

There was no bed in the room; I asked Dr. Woodburn if she could be taken to the hospital. He replied, if there was any other place she must not go there, as there was too much confusion in the girl's hospital.

I remember distinctly asking Dr. Woodburn if there would be any impropriety in her remaining in that suite of rooms, and bringing a bed from her little room into the study; and he replied to me that there would not, as it was the most quiet place in the house. I certainly deemed—I knew her to be very sick; I thought she would die. We brought the bed in right away then, and Dr. Woodburn assisted in bringing it in—moving things around. Ann Paxton was sitting there with her work, and said she did not see that she could do any thing.

I gave Margaret Cramer some medicine, Garrison gave her some, Miss Crockett also, and Prof. Larrabee said he gave her some twice; that she had very bad spells. I sat up with her one whole night; she was unconscious at this time; had to raise her up to give her medicine; she knew nothing of it. Mr. Cassels came in to see her while she was unconscious; looked at her. She was unconscious twenty-four hours at least, at this time, and was so at times afterwards.

She was sick, unable to sit up all the time, for weeks. I believe she was sick in that room, until the bed was removed from that room, for two weeks at least, and then the bed was removed to the adjoining room. She asked Dr. Woodburn several times if she

might go to her room; her room was in the 5th story. I did not hear her ask him; she informed me that she asked him; he asked where her room was; she said in the 5th story; he asked if there was any means of heating it; she told him there was not; he told her to remain where she was. I know, as she told me, that she was anxious to go to her own room, and did go once, when Prof. Larrabee was gone to Greencastle.

I did not know of her going to her own room until the next morning. I did not know of it, did not think of it until I found it out the night before Prof. Larrabee's return. On Prof. Larrabee's return, I told him that she had taken advantage of his absence to go to her own room, and I was afraid she would take cold. She went around about this time; she would do it, and after would pant like a tired horse.

She returned to Prof. Larrabee's room by my advice and direction. The door between study and bed room was usually open by day for the purpose of heating it; the door was always locked at night, on bed room side, and so continued; always so. Everybody had free access to the study. At the time Margaret Cramer was taken from the sofa to the bed, Kate was removed from the room and got well in a few days. Margaret Cramer had the care of Jane Smith, who was about seven years of age, gave her up when she was severely sick, afterwards took her back and slept with her as long as Margaret staid in the room. She remained in the room until it was no longer necessary to have fires in the rooms, and left about the first of May. During this time, she was in the habit of going to the basement for her meals; she attended recitation part of the time; could not say how much, as I had no classes. The hospital was not full all the time, of course not—she could have gone there if it was necessary. It would have been very disagreeable to have been in the hospital, on account of an inmate thereof.

I visited Greencastle the first time after I entered the institution, the first of last March; the second time was in the middle of July; going down July 14, coming back July 16; the last time was last week. There was no conversation between myself and Mrs. Larrabee at either visit about Margaret Cramer. Mrs. Larrabee visited the institution in May, during the session of the General Conference. She came to see Prof. Larrabee; Prof. Larrabee had written that he and his son Charles were sick. She came on the one o'clock train in the night.

There was no connection between the visit of Mrs. Larrabee and Margaret Cramer. Margaret was rooming in Prof. Larrabee's room at the time Mrs. Larrabee came; roomed there during the stay of Mrs. Larrabee; removed soon afterwards. The reason of Margaret's removal was that there was no further occasion for fires, and she went to another room; she was not removed on account of any jealousy on the part of Mrs. Larrabee. I have heard Mrs. Larrabee say lately that she had no doubt of Professor Larrabee whatever, when

she was absent, of any criminality whatever. Last week I showed Mrs. Larrabee Dr. Ellis' letter—the charges. The matter of the charges involving Margaret Cramer was talked of. Mrs. Larrabee said she had not any doubt in her mind, but that Prof. Larrabee was perfectly virtuous; that he had treated that girl as such—no criminal intercourse with that girl, or any other woman. I went down last week with Prof. Larrabee, the first time since coming from the west. Don't know that I had any motive than to visit Mrs. Larrabee; did not think of going hardly five minutes before going. I remember asking Prof. Larrabee in his room, before starting if I might show her the letter—the charges. I remember of having told Prof. Larrabee in his study that Miss Cook had directed the washerwoman to examine Margaret Cramer's clothes to see if she had her monthly courses.

I had been told, and I suppose Mrs. C. had been told that Margaret Cramer was pregnant; don't know whether the examination showed she was regular. I knew before, though, that she was not regular. Prof. Larrabee said that was not the way to find out whether she was irregular, for one half the girls in the school were irregular. Professor knew the fact of the irregularity of the periods of the girls, because I had told him. Professor was indignant at Mrs. Cook for taking the course she did; I knew Mrs. Cook was angry at Prof. Larrabee, but I never heard her say so; she never came to me on the subject; I heard it from other girls. The indignation of Prof. Larrabee was on account of the principle of the examination of Margaret Cramer's clothes. Prof. Larrabee showed me, soon after my return from the west, Dr. Ellis' letter against him and called attention to the charges said to be sustained by Isabel Cooper, and expressed a desire to know who the two girls were referred to in the charge by Isabel Cooper. He discussed whether to ask of Dr. Ellis or of Isabel Cooper directly; I advised him to ask Isabel directly, so that he would know who the girls were. He asked me to send for Isabel; I sent; she came to my room and he read to her the charges, (here read) and told her she was reported to be the girl in question, as passing his room and seeing the girls lying across him with his hand under one of the girls clothes. She said Dr. Ellis called on her and asked her a good many questions, and asked her if she knew anything of Prof. Larrabee's using familiarities with the girls here: and she said that she told him that she saw Prof. Larrabee lying on the settee in the office, and that two of the girls were in there leaning over him; the girls were Rosanna Garrison and Julia Bryant. She said, I did not tell Dr. Ellis that Professor's hand was under the clothes of one of the girls; she represented that Professor's hand was down on the floor; she said she would not say his hand was under the clothes of the girl. Professor placed himself in position, and she said he had not his hand on the girls person; she said that was all she told Dr. Ellis—denying that Prof. Larrabee had his hand under the girls clothes, and that was what and only what she would say. She said she never had

seen, or told of having seen, anything else of Professor in connection with girls.

She did not say anything about any remarks made by Prof. Larrabee; Professor asked her if she wanted to come back, or something to that effect. Miss Bombarger had said Isabel wished to come back; toward the last of the term, I requested that Isabel Cooper, on account of her mother, should be re-employed, also, Mary Cooper. Prof. Larrabee said he had no objection if she would take other work than she had been engaged in. I did not know that Prof. L. thought she was hostile to him; I knew that she was hostile; heard so through the pupils; I was always her friend, and she would not say anything to me against Prof. Larrabee. I believe the other day that Prof. Larrabee asked Isabel Cooper if she had said that she wished to come back. I told her that on condition I would like her to come back. The conditions had nothing to do with her telling her story; we did not get her to modify her statement. No inducement was held out for her to make any certain statement; when she went away I made no engagement with her to return.

I had been down to the kitchen after the nine o'clock P. M. bell rang, and was coming up stairs, on this side of the house, going to Prof. Larrabee's room; I met Hodges in the basement hall, and he was very angry indeed and raving like a mad man. I remarked to him that he was excited, and he swore something about Mr. Cassels being here making a fuss; he said something about the girls having beaux. I replied that the girls had a right to have beaux; next morning Mary Cooper came to my room, after breakfast, and made complaint of Mr. Hodges, and asked me to go to Prof. Larrabee and make complaint of Mr. Hodges, how he abused her; that she would have to leave here, if Mr. Hodges did not leave here or mind his business, and leave her alone. Also, that he was very abusive to Jane Hannah, a girl working in the kitchen; I told Mary that I would go, and she went down to her work. In a few minutes after Jane Hannah came up, and she came into my room. I said, "Jenny are you in trouble?" She began to cry, and said she was going to leave—that she had stood Mr. Hodges' abuse as long as she could—that there was plenty of places to go to, and she would not stand Mr. Hodges' abuse—that he must mind his own business.

I went to Prof. Larrabee's room and told him that the girls had come to my room with complaints about Mr. Hodges—that he was very abusive to them. Mr. Larrabee sent for the girls to come to his room—they came up, and I left the room, and in a few minutes went back again; and Professor talking to them, the girls telling him how Hodges abused them, and interfered with their work—pupils in the study. Professor, girls and I went into the bed room, adjoining the study; both girls told him their story—both excited. Hodges, Cassels and Ann Paxton in the study—Hodges in study; rushed into the bed room the maddest man I ever saw—Hodges swore—made me frightened; he was angry at me because I told Pro-

fessor he ought not to let him use such language toward the girls; have had very little conversation with Hodges since; he never threatened me, but I would as leave he had. I am still afraid of him; I am not hostile toward him—think he is toward me. His language when he burst into the bed room was addressed to me; he cursed me so that I quailed; I told Cassels I was afraid of Hodges; I am afraid of other things besides Hodges, though not very timid.

Any body that was sick Professor always interested himself in them, whether small or big girls or boys. John Short was taken sick—died, while Margaret Cramer was sick. He was sick in office. Professor laid him on the settee, tended to him all the day he was taken sick, and at night at the boys' hospital. Professor was with him day and night from the time he was taken sick, to his being taken out a corpse.

I know Mary C. Thrall is hostile to Professor Larrabee. Have heard her make insinuations against him. Professor Larrabee's treatment has been the same as with all other pupils; save that he did not treat her in that fatherly manner he did the other girls. Professor gave her liberty to go to Sunday School in the city, also to go to church where she liked. Prof. Larrabee tried to soothe her but failed. I can't say that I ever caught her in a lie; yet that she would misrepresent if to her interest; that she is given to tattling. I believe that she has fallen out with all the superintendents and teachers. She stayed here during vacation by Professor's privilege. Said he remembered nothing of her ingratitude—that he could not deny her. She has friends. She wished to stay during August and then go to her friends.

As to Isabel Cooper I think she might be influenced to tell an untruth, never knew her to do so. Think she is an ignorant girl. Hodges has great influence with her. Mary opposed the relations of Hodges to Isabel Cooper. Hodges spent a great deal of time in her room; understood through the house that they were engaged. I insinuate nothing against the virtue of Isabel.

As to Professor Larrabee's feeling the bosoms of the girls, I would say that the girls were in the habit of using cotton in their breasts, and Professor was trying to cast ridicule on the custom—which I don't know is a crime—and was evidently with that design entirely. I think Professor a pure man, would take, have taken, and the girls have taken, liberties they would take with no other man.

#### MARGARET CRAMER, pupil:

I have never seen anything I thought improper in Professor Larrabee's treatment of the pupils. He has always treated me as a father. In the first place, in January, one Monday morning, I went to arithmetic lesson; I did not feel able to attend. Asked Professor Walker to be excused for the day—that I was too unwell to

attend lessons. He excused me. I asked in office Professor Larrabee to direct a lesson for me. He said "Margaret Cramer what is the matter? you do not look well this morning." I said I did not feel very well this morning. He says "go up lie down on my sofa in my study;" that there would be no one in to disturb me. I went up, laid down on sofa. I was out and in from Monday until Wednesday; went up to my room to sleep at night. Wednesday noon Catharine McKenzie came in sick with chills. She staid until Friday evening. We both slept in the bed-room adjoining Professor Larrabee's study. Friday evening I was taken very bad with lung fever.

1. Dr. Woodburn came in the evening and said I must not be removed. Mrs. Dunn and Margaret Hannah brought a bed in Professor Larrabee's study, and fixed it for me. I stayed in his study—I can't say how long—it was until I got able to set up. Then I went into the little bed-room adjoining, and asked Dr. Woodburn if I could go up to my room. He asked me where my room was, I said it was in the 5th story. He says, "is there a stove up there?" I says, "there is not." He says, "is there a furnace in the room, or any means by which the room may be warmed?" I replied, "there is not." After that I asked Dr. Woodburn twice if I could go up to my room. He said I could not go until warm weather came.

2. I then staid in little room adjoining the study until in May. During the time there were several girls slept with me; and the door that opened from the little bed-room to the study, was open through the day for the purpose of warming the bed-room, but was always locked at night, and the hall door too, on the inside. I left the room in May after it became warm enough for me to leave—no need of fires. It was not a general thing that other girls slept with me every night. The little girl I took charge of, was with me after I got well enough, from the time I got able to take care of her—from in February to in April when the little girl took sick, and she was taken away on account of my inability to take care of her, I being still in feeble health.

I don't remember just when it was, I told Mrs. Dunn that Dr. Woodburn told not to remove from the little bed-room. It was not last week, but I think directly after I asked Dr. Woodburn.

I was not bed-fast, or confined to the room, but not in good health, all the while I occupied that room. I attended lessons about half the time; when I eat, went down to the basement. Was not in good health; took my breath to go up and down stairs; no room, that I know of, which I could have occupied during that time. The matron's room was warm. There was no stove in, or means of warming, my room 5th story, west corner. Ann Paxton's room had a stove in it, but it was full.

Professor Larrabee, and his son Charley, were sick, and some of the domestics made them some soup, which they could not eat. Professor Larrabee sent word to George Cassels to make him some



chicken broth—which he did. Professor then said to Charley, “Charley, what will we do when Cassels and Margaret get married?”

Charley says, “I don’t know.” Professor Larrabee said, “I’ll tell you what I’ll do. George has given me one hundred dollars to enter eighty acres of land for him in Jasper county, and I’ll give Margaret forty acres by the side of it, which will make one hundred and twenty, and then we will go and board it out, won’t we Charley?”

This remark was made in a playful manner, thought Professor meant it as such—still think so. I told Cassels of it. He took it as a joke, the same as I did. I did not talk with any one else about it. Talked with George only once about it; not since the fuss made about it.

I remember coming to Professor Larrabee’s room one morning; finding Hodges there—near the close of the term—know it was then because the pupils were going home. Hodges was setting by side of Professor Larrabee’s desk. I went to clean up the room, as I usually did. Mr. Hodges did not speak a word while I was in the room. I did not stay to clean up the room, for I saw he wished to say something, and did not wish to say it before me. I went out. Came back in about two hours, to clean up room. While I was doing this, Cassels came in on business. Mr. Larrabee said, “sit down George, I want to see you,” and locked the door. He then said, “George, Mr. Hodges has just been up here, and has charged you with going to Mr. Palmer for the purpose of complaining of me, for having too many hired men about the institution.”

George said, “Professor Larrabee it is all false. Mr. Hodges urged me to go with him to Dr. Ellis, for the purpose of complaining of Mrs. Dunn for being so extravagant. I declined going. He became very angry and said I was a coward. He said I need not say anything, that he just wanted me to go with him. I went, and on the road we stopped at several groceries, and thought I might change his mind, and prevail on him not to go. He changed his mind and said he would not go to Dr. Ellis; said he was too pompous; that he would not listen to a poor man’s talk. He said he would go to Mr. Palmer, he was the man to talk to. We went to Mr. Palmer, and Mr. Hodges would not speak to him. He said, ‘George, you speak to him. Tell him I want to see him.’” George said he, “then stepped up to Mr. Palmer, tapped him on his arm, and said to him, there was a gentleman wanted to speak to him. Mr. Palmer turned around and said ‘good morning’ Mr. Hodges said, ‘that he had seen him at the Asylum. He wished to talk to him a little more about the matter they were talking about the other day.’ Mrs. Palmer says, ‘I’m busy now. I will be up to the Asylum in a few days.’” Further than this, George said, he knew nothing about it.

Professor Larrabee then said to George he was satisfied with

him, and was also satisfied that Mr. Hodges had told an untruth, for the purpose of getting Professor Larrabee to dismiss George. That is as far as I can remember the things that occurred.

I have not talked with George on this subject in the last two or three weeks. George went after me to Noble county—did not talk then. We, George and I, have been engaged to be married for about a year.

When I went away from Asylum M. C. Thrall was to wait on the door during August. She got Professor Larrabee's permission to go on a visit the first of September. The Professor wanted to know if I would come back to wait on the door; that there was no one here that could do it. I told him that I would return the last of August, or first of September, and wait on door till school took up. George Cassels had intended to come out to Noble county on a visit. He came out on 29th August—staid until September 1st, and I returned with him for the purpose of waiting on the door as I had promised.

When I got here I learned that M. C. Thrall had given up going on a visit, and was desirous to wait on the door. Professor Larrabee told me that M. C. Thrall had come to him, and begged very hard that she might continue at the door as she needed the pay.

I had given up George Cassels' coming for me. The reason, as he said, of his delay was, that he had been down at Attica looking for a situation for him to set up a bake shop. When he found a situation for him to set a bake shop we were to be married.

I had been sick and he came up one Sunday. I had on a thin dress. He said to me, he thought I was dressed too thin for the weather, at any rate for a sick person. I told him I didn't care what he thought; that I knew as much about it as he did. He then left the room, came in in the evening. I was lying on the sofa, I didn't pay much attention to him. He thought I treated him coldly. That is all the difficulty there has been between me and George Cassels. It was about two weeks that he did not visit me as usual. I demanded an explanation. We have not exchanged a word about it since he went up to Noble county. I was in Prof. Larrabee's room with members of the Board yesterday evening. Have not been in alone. Was in with Cordelia Lovejoy. Have not heard the testimony of George Cassels, or Mrs. Dunn. Never heard anything spoken of in this room, in the room above. Don't know that it can be heard. [Speaking tubes connect the two rooms.]

Mrs Hoss, former teacher.

I was a member of Professor Larrabee's family some years ago, for two years; several females boarding in the family at the same time. Professor was always like a father among us—affectionate and kind. Treated us all alike—like his daughter Ellen. Have

seen him kiss and be kissed by girls: not frequently, but coming home, &c. His character was highly paternal.

I, after being here three months, took charge of girls in sitting room, and then was elected for a year, and was then well acquainted with M. C. Thrall. She took herself away from the institution for a while. Mr. Larrabee let her go. While with me, she was the most difficult and troublesome to get along with among the girls; giving to tattling; constantly whispering around; full of evil surmisings; not always reliable. Never knew her guilty of downright falsehood; but to exaggerate, and make things of no importance almost criminalities; she was almost a proverb among us from these difficulties. I don't think she can see very distinctly. In the day time, can see to keep from falling against things. She was a very ungrateful, most mischief-making pupil.

I was not much acquainted with Margaret Cramer; saw nothing out of the way; know nothing. Heard complaints from pupils who disliked her—suspicions as to her chastity.

MARIA CRUME, pupil:

[“As she testified yesterday, but which is not recorded.”—The reporting clerk's note.]

I never went to Professor Larrabee's room but once with M. C. Thrall, and that was just before the close of the last session, in the day time, on Thursday before I left the Asylum. I can see enough to know that if such things were going on I could see them; and, if blind, would know if such things were going on. Can't see as well as M. C. Thrall. Her general character among the girls is not very much. About her going to Professor Larrabee's room is not so. I would not believe her in every case; yet I give room for mistake. She likes to domineer. I think she is very apt to suspicion, and that she is very apt to state her suspicions for truth—very hard to please in everything. She has not had very pleasant feelings toward Professor Larrabee. Heard her speak so to-day; at other times, that she thought Professor Larrabee did not treat all alike. I think if Professor L. has made any exception, he has accommodated her more than all. So far as I know, all the cause of complaint against Professor Larrabee is, that he would not make a difference—would not take some of the older pupils, who had been here the longest, and give them more privileges than the pupils being here, in the institution, for a short time. The reason why I know so is, I have heard the girls say so—Miss Margaret Belches and M. C. Thrall in particular. I heard them make these remarks: that they thought the older pupils should have more liberties than the younger ones. I have heard Professor Larrabee tell them that he was put here as a father over all of them, and had no right to make any difference between the elder and younger, and that he would protect the younger from the older ones domineering over

and driving them. As far as I know, Professor Larrabee has always been a father to all.

CORDELIA LOVEJOY, pupil.

I have seen Professor Larrabee promenade the halls with his arms around the girls; a general practice with us with any but young gentlemen we walk with. As to his taking any improper liberties with the girls, such as feeling their breasts, &c., I have never seen. I have been here all the time, in session season, four years last January. I have had very good opportunities to become acquainted with Professor Larrabee, as waiter at the door. Since April 21st last, I took Margaret Cramer's place.

After Margaret Cramer's sickness, and until I took the door, almost any one had the place—Professor L's son a great deal.

From the fact of the waiters at the door having to take frequent messages, to call the Superintendent to receive visitors, to get money changed, to get pens and ink, to communicate messages delivered by strangers, causes the waiters to have a great deal of intercourse with the Superintendent. I became much more acquainted with Professor Larrabee, after having to wait on the door, than before—necessarily so. Frequently necessary to consult him on the duties of waiter. I was a very frequent visitor at Professor L's rooms above. I was accustomed, and it was a general rule, publicly announced to all, to come to his door at all times of night and day, and enter without knocking. Never found the door locked but once—unusually early in the morning, when I went to get medicine.

When pupils wished to see him alone, by request, he took them alone, and locked the door; which was the case with myself one time.

He stated as a reason why he wished us to enter his room without knocking, that he wished us, old and young, to look upon him as a father. His reasons for locking the door, when talking with pupils, were, that he did not wish to expose them—to let the other pupils know. Every time that any of us went to his door and knocked, he requested us very mildly not to knock. I think the request was made in presence of domestics as well as the blind, not to knock when entering his room.

I know the pupils often called when they wished advice or protection of Professor Larrabee, to go for it to him as to a father. His general deportment toward the oldest and the youngest, male and female, was the same; I was the oldest pupil here except Miss Jaqua. Don't know whether Miss Hardesty is older or not. He gave instructions to the older not to scold or reprove the younger pupils, in any way, but to come to him.

I had, last winter, a room full of little girls, for whom I frequently had to go to him. He took as good care of us as any parent could do. If any were sick they were taken to his room

and taken the best of care of. My engagements kept me down stairs all the day, pretty much. One of the girls in my room was sick—took her to his room. She was taken sick in his absence at Greencastle, and she got a little better while he was gone, so that when he returned she was carried into his room, laid on the sofa, and given up for him to take care of. She was sick several days in his care; he took the best of care of her. Similar things occurred with other pupils. There were special reasons why he had to do these things more frequently—either the matron did not understand her duties, or did not wish to fulfil them during the last year. The girls were more sick than the boys. The girls, when sick, were liable to be much more neglected than the boys by the matron. I think he frequently censured the matron, justly too, for neglect and carelessness in giving medicine.

I was once taken sick myself, with severe chills, but the hospital was full and no room for me. My room up stairs was too cold to sit up any in the day time. Feeling that I did not wish to lie in bed all the time, I went into the Superintendent's study, when he was absent, and took a chair by the stove. When he returned, I stated to him that I was sick, had chills, no place in hospital, consequently I had come to his room. He replied that I need make no apology—that I knew I was welcome. He prepared a place for me to lie down, and I stayed there two or three days, in the day time: sometimes able to sit up, at other times not. Slept in my own room at night. I believe I had to take care of girls in my room—they never dared to sleep alone. I can see enough to see what is going on in a room. The girls used to frequently come into his room—all the school nearly—very few, three or four excepted, were in the habit of coming to his room.

During my sickness, he took the care of a father of me. I have neither father nor mother. I have never seen him take any improprieties with the girls, anything that a parent would not do.

We had a seamstress last year, who carried the fashion of putting cotton to a great extent, and Professor Larrabee disapproved of it, and laughed at them, saying they had cotton bales. I believe I was one of the special objects of ridicule. Frequently, when I had one particular dress on, he laughed at me about the cotton I had in my bosom—said I was like General Jackson at the battle of New Orleans. I took no offense—I thought he meant no harm. I had as much, or more, cause to take offense than any one. I thought his intention was to disapprove of the use of so much cotton, and make light of the seamstress. I never saw him (to any one but myself) put his hand to the bosoms of the girls. He would sometimes brush his hand across my bosom and say I had a cotton bale there. I thought it nothing for any decent woman to be offended at. In promenading with the blind, in putting the arms around them, the hand might come over the breast, accidentally—not a long arm to do so. No other way did he take girls by the waist

except in promenading. Have seen the same done by all the teachers—maybe Professor McGiffin excepted.

In the first place, the dress I now wear was taken out of the room I kept it in. It could nowhere be found in the Asylum by the teachers, Mrs. Drum and the Matron. About the same time, one of the girls had four bead-baskets taken out of the same room whence the dress was taken. Previous to the taking of the dress, a pocket book, containing one dollar and a quarter, was taken out of a trunk in my room. The afternoon the money disappeared, Isabella Cooper and Elizabeth Roweth were in the room cleaning. After the dress could not be found, (being searched for), I kept my room locked. One Saturday afternoon I directed the little girls to remain there until our clothing was brought in, then bring me the key. They did so, and, in some way, in locking the door, broke the key, and came to me with a complaint that the door was locked and the key broken. I put the key in my pocket and asked Mrs. Dunn what I should do; she directed me to wait till night, when Mr. Hodges, who had the bunch of keys, could perhaps open the door.

I had heard Hodges had the master-key of the door. On going out of Mrs. Dunn's room, I found Isabella and Elizabeth in the hall, at the head of the stairs, this floor. I asked Isabella if she knew where the master-key was. She at first said she knew not—that there was none. I asked her because she and Hodges were keeping company, and I supposed she knew where it was. On her stating there was none, I replied there must be, for there always was one. She then said, maybe Elizabeth has it, and turned around and asked her. Elizabeth said "no," that she knew nothing about it. About the middle of the afternoon I waited on some company to the cupola and back; in passing, it was necessary I should pass very near my own door; on doing so, I saw two men come out of my room, when I supposed it was locked and had the key in my pocket. Who they were I could not tell, as they did not speak. On going up, after supper, the door was open, and the four bead baskets were returned. The matron called to me, and asked me if my dress had come back—stated the baskets had—I told her no, but was convinced it was in the Asylum. She says, "are you?"

It went along so until Monday morning, when Isabel and the matron were in my room, when the matron asked me if my dress had come back, and I replied "no, but I had made some discoveries which I intended for the superintendent's ear alone." She urged me to disclose them to her, and I pre-emptorily refused, stating that I would disclose them to the superintendent alone. She then asked when I made them, and I replied "on Saturday."

Isabel and the matron then went out and were gone about twenty minutes, I should think, when the matron returned and passed through the hall into a little closet, at the end of the hall, and she then called me to come there, to come there quick, that the evil one and the imps would appear, that my dress was found; and when

I went, I found my dress in an old trunk, with no hinges to lid; lid about half way off. I was so thoroughly convinced that Isabel had had a hand in it, as that my room was locked, and the key in my own possession, from the fact of seeing two men come out of there with my own eyes. I suspected Isabel of taking the things from these circumstances; can't say that Isabel had anything to do with these two men; thought it probable she had employed them to open the door; did suspect Hodges as being one of them; I did not know that Isabel had anything to do with it; I still think Hodges one of the men, for his former conduct led me to think so; but don't know he was ever accused of being a thief; he was intimate with Isabel. The affair of breaking the key, and the two men being in room occurred in the absence of Prof. Larrabee; have no suspicion who the other man was.

One of the men was about the size of Hodges; I told Prof. Larrabee these circumstances as I have told them to you. I did tell Professor that I suspected Isabel Cooper of taking and concealing my dress; I did not hear Professor say anything to the girls about it. Isabel told me that Professor had been talking with her, and that I had accused her of taking my dress; she asked me if it was so, and I told her it was so; did not hear her say anything against Prof. Larrabee. M. C. Thrall is considered troublesome, and surmizing, apt to propagate stories on these surmizes that don't turn out to be the truth. I never heard her tell a downright falsehood; her reputation for truth and veracity is not the best.

Hodges kept up a quarrel from cupola to basement last session. I would not believe him if he had an enmity against the person against whom he made a statement. One of the persons coming out of my room was the size of Hodges—I think he was one of them.

SARAH BADAY :

Isabel and Mary thought hard of Professor, that he thought more of the pupils than of them; that it was wrong; that they were accused of taking Cordelia Lovejoy's things; that it was not true; they were accused wrongfully.

MRS. DRUM :

I have know Professor Larrabee ever since I was a girl; was a member of his family two years when I was ten years old; and afterwards, ten years ago, in this State, fourteen months, when female boarders in family; had two girls with me. Prof. Larrabee treated children and members of his family alike; he treated me as well as a father—in a kind, affectionate manner. I recollect with father and husband, calling on you; one of the girls sat on your knee, and you told of her becoming blind; as we went out I heard one of them

remark that you was the same kindhearted man, or fellow, you ever was.

MARY C. THRALL, pupil, recalled :

I should think it was between eight and nine o'clock P. M., I could not say what time after dark; the gas was not lighted, and there was no light in the room; I could see some things; there was no moon; I think not; there was no moon that evening—it was the first of June. I could distinguish the dress of girls—could not their countenances—did distinguish them some way. Maria Crume went into the room with me; am positively certain Maria went with me; Dr. Ellis never called on me. I was up stairs in Mrs. Cook's room; was told Doctor was here, and went down to the parlor. I don't suppose it was by the solicitation of the Doctor; was not told so; I was not invited to come down to see Dr. Ellis; I have not talked with Hodges on this subject.

EBENEZER JENKINS, a citizen :

I knew not of this investigation until yesterday: was requested to come up to-day; live across the street from the asylum. I have seen things improper about the asylum; my attention was first called to it by the women folks. I noticed in the room above this, or room adjoining it, I believe, some lady and Mr. Larrabee in very close connection; one night the lady in his lap; did not sit there long that time; got up, put a little girl in his lap; I should think the lady to be about sixteen years old; they went out of the door.

Have seen this lady and Prof. Larrabee often billing and cooing and sitting in his lap, which I would not allow any persons to do in my house, unless they were married; have seen him more than once with this same girl; I judged it was this girl from her general appearance; would not know her to see her this day; have seen him hugging and kissing this same girl; have seen males and females congregating together, dancing and shuffling after night on the veranda; Sundays kept rather loose, different than formerly. These things I always saw after supper—after coming home from work; my eye-sight is good for my age; I've seen Professor put his arm around girls—don't know as it was improper—though it would be in me. M. C. Thrall during winter and in Ames' time, before she joined the Baptist church, used to come to my house often to get work, and visited my house up to joining Baptist church, in April or May; has not been there but two or three times since joining Baptist church; after she joined the Baptist church, it was, my attention was called to things in asylum.

The subject of asylum matters was talked of among neighbors frequently. It was like any matter floating round—gossip. Hodges told me the board of trustees wanted him to come up here. M. C. Thrall asked me once if I would give testimony. I never spoke to



Dr. Ellis before now; seen him pointed out on street as Dr. Ellis; when M. C. Thrall spoke to me, she said she wanted to protect the character of the institution. I utterly refused to act, as there were older citizens who ought to attend to it for her. I have been but two years in the State, and didn't feel like superintending public institutions here yet.

I think she made the inquiry of me just before this vacation. I was a member of Methodist church, but not now. I would suppose the window where I saw the things in asylum was distant from my house about three hundred feet. I thought it was very improper in Prof. Larrabee to act as he did, when I inquired and found he was married and that Mrs. Larrabee was not in asylum.

MARGARET CRAMER, recalled:

*Question.*—State what are the facts in relation to the last statement of Hodges, in paragraph five, of Hodges' testimony, about the key of your room being given to John Ford?

*Witness.*—I deny positively of there being any truth in the whole of paragraph five, where it relates to acts of mine.

I never knew of John Ford having a key of my room, that he had key of my room, or that any one had said so. This I know; two years ago this vacation that the superintendent, G. W. Ames, called me to his room and said, "Margaret have you a key to your door?" I said that I had. He said, "are you certain?" I said I was confident that the key belonging to my door, was in my door at that time. He asked me what number my door was. I told him it was 78. He said, "are you certain it is 78?" I said "I am certain that it is."

He then wished me to go and bring him the key of my room, which I did. He then wanted to know who roomed in No. 80; I told him Cordelia Lovejoy did. He wanted to know if I had ever roomed there; I told him I had not. He then asked me what room was that over No. 80; I told him it was the cistern room on fourth story. He then said there had been a key found, and he thought it belonged to my room, but was now satisfied it did not. That is all I ever knew about any key.

There was, the last year of G. W. Ames', a difficulty with all the girls about him taking keys from bed rooms. At the time first mentioned, there was no charge of the boys going into girls rooms. Never heard of John Ford, or any one, make such report as told by Hodges; only heard that Hodges had made it here.

I have been frequent visitor to Prof. Larrabee's room during last year alone, and in company with other girls, he has treated me as a father would treat a daughter; the other girls the same, as far as I know. I never knew him to take improper liberties with any one; he has never offered improper advances to me; I would say it under oath: I am well acquainted with M. C. Thrall; her sentiments toward him have been very bitter, and I think without cause.

I knew that Prof. Larrabee thought the Jenkins girls troublesome visitors here; have heard him speak of their being here so often; din't know what he said, but have heard him speak of them. M. C. Thrall is in the habit of tattling and gossiping, apt to surmise; I don't think she is a girl of truth at all times; I think she is very jealous; I would not believe her.

JOHN FORD, pupil:

The whole of paragraph five of Hodges testimony is false, so far as I am concerned. The time Ames was here, two years ago, forgot—don't know certain about the time—I had the key of the reservoir room, for pumping water—not the key of Margaret Cramer's room; laid it down in my room; some one took it to Ames. I never talked with Cassels about Margaret Cramer at all.

CORDELIA LOVEJOY, recalled:

I know of Professor Larrabee's having complained of the frequent and troublesome visits of the Jenkins' girls. They were troublesome when they came here; making disturbance in this way—going all over the house, keeping the pupils out from their studies, &c., waiting on and entertaining them. I don't know that Professor Larrabee prohibited them coming here.

I know of similar rumors have been heard, similar to those now of Professor Larrabee, of former Superintendents, also of similar rumors of male teachers here now—of Mr. Walker. And such rumors will exist about any one here who acted as father to the pupils. I have heard rumors, which I have good reason to think, came from Jenkins' girls.

S. S. LINDLEY, pupil:

I can see a little. Can't see unless person is in certain situation. Can't see person across the room. Can see the lady across the room. Can see Professor Larrabee, as he sits now, to distinguish him.

Have been pupil since last March two years ago. I've seen girls setting on Professor Larrabee's lap in this room; seen him promenading with them in the halls. Didn't think anything out of the way about it. Didn't have a thought of it. As to hugging and kissing, never saw anything of it.

As to myself he has always treated me very well. General treatment been very well; pupils all speak very well; esteem him very highly. I speak of my, the male side, of the house, old and young. As to his being social and friendly, the pupils often remarked the contrast between him and former Superintendent—thought it looked nice. As to visiting his room up stairs I have been there more frequently of any pupil in the house. Never saw

anything improper. Door never locked. Never saw more than two of the pupils up there in my life.

ANN PAXTON, recalled :

Than what is detailed in my former testimony, I don't know of Professor Larabee's taking any familiarities with me. But he made remarks. Some remarks I did not think were proper; teasing me about a young man visiting me whose name was Cat. Some of the girls said they did not think he would let me have Cat; and he said, in a jesting way to tease and plague me, that he didn't want me to be a mother of kittens. He said once I needn't be afraid of Cat, as he had no strength. Once he spoke to me, the time he put his hand on my bosom, he asked me if I ever had anything more than cotton. I told him I didn't use to need any cotton, as I was fleshier than I was then. He said, a husband would bring her to.

He, in talking to some of the girls said of Maria Crume that some of the girls thought she was not a good girl, as she let the boys take so much liberty with her. Said he knew she would suffer herself to be fondled over, but he did not believe she had any inclination to do anything wrong. He said he had been with her enough to know that she had not any such inclination; and that he did not think she could have a baby.

I have had one conversation with Professor Larrabee since I gave testimony on Tuesday. It was night before last—Wednesday night, I think, about, I think, eight or nine o'clock—not certain. Professor did not censure or threaten me. But said he had always treated me kindly, and that I had not treated him so. That he thought, from the questions Dr. Ellis asked me if I had been in the habit of going to his, Professor's, room and pretending to be friendly, and then going and reporting what occurred, and was said with design to injure him, Professor. He said he had been told some things about my character when he first came to the Asylum. Said he never repeated what he had been told. He thought I had treated him differently. I tried to convince him that I had not tried to injure his character. That I had not repeated things for purpose of injuring him—had heard him say things I thought very strangely of. That, if it had been any one else than Professor, I would have been insulted, but thought he meant no harm by it.

Mrs. Dunn was present at this conversation. I think Maria Crume came after me. Mrs. Dunn told me, as I was going away next day, that she asked Professor to send for me that we might part friends. That Professor said he was very much hurt with me, on account of reasons before stated; that he had no confidence in me, and had made up his mind to send to me, that he did not want me to come to his room any more, and when I wished to see him to come to the office and ring the signal.

I heard a good many remarks about cotton being in the girls' bosoms. Don't know to what extent it was carried. It was while Miss Crockett was here. He always made the remarks about cotton in jest. His remarks to the class was before the whole school. I don't know who wished me to come back to testify this time. I told no one what occurred at that interview, though it was known an interview took place.

DR. WOODBURN, recalled :

I am inclined to think from the first time I saw Margaret Cramer, including relapses, to the last was some two or three weeks. I then left her convalescent. After first attack I think she was convalescent in five days. Was attending hospital during this time. One patient, all the time, in boys' hospital. There was never more than two confined to bed in the girls hospital.

I found by referring to books that I never prescribed for more than six patients on any one day in the whole house. Some of them were going about

The way that the girls hospital was arranged, when I saw it, in one room, the only one I was in, there were three beds. No boys but one confined to bed in boys hospital.

It is unpleasant for me to dispute any one's testimony. I must say that the testimony of Margaret Cramer, marked "1," where she relates a conversation as occurring between us, is unqualifiedly untrue—not a word of it true. My impression now is, and after thinking the matter over, that she was on sofa in the study when I first saw her; that on my second visit I found her in bed there. I did not help, nor was I consulted about putting the bed in the room. I am sure of that. If I had been consulted I would have sent her to the hospital. There is not the least doubt about it that she could have been taken to the hospital and provided for comfortably. Her relapse was not as severe as the first attack. She was sick the last time from two to four days. I never visited her when she occupied the small bed-room. Did not know of the bed room. I never recommended—as I was not consulted—about removing her to the hospital. I attended here from three to four weeks every day—while the boys was sick here, from two to four times a day.

Did not know where Margaret's room was. Never heard her say anything about her room being cold. I charged by the visit. I do not recollect all the circumstances of visits, when I have as many visits as I had here. In the case here—had nothing particular to strengthen my recollection. I had no conversation with any one as detailed by Margaret Cramer.

MRS. DUNN, recalled :

I know the Jenkins' girls were in the habit of coming here very often to see M. C. Thrall and Nancy A. Hardesty, and that the female pupils complained of it, and that they, the Jenkins' girls, were making mischief with these other two girls about the interests and concerns of the institution.

N. A. Hardesty was in the habit of having them come here to write letters for them privately, which was unnecessary, as the teachers would write letters for her. I was in Professor Larrabee's room and he requested N. A. Hardesty to have the visits of the Jenkins' girls suspended. That they were making trouble in the Asylum among the pupils; that they were news-carriers, telling things untrue, which N. A. Hardesty would probably tell them. N. A. Hardesty would n't stick to the truth.

There has not been the least deterioration in the morals of the pupils since I came into the Asylum. I think there has been improvement in morals of the pupils generally—I speak of the female department.

I would be willing, if it was necessary to be sworn, to say that I did consult with Dr. Woodburn in reference to having Margaret Cramer removed to the hospital or left in Prof. Larrabee's room, and I am confident that he recommended that she should not be taken to the hospital if there was any more quiet place. Then I asked Dr. Woodburn if there would be any impropriety in leaving her there in study, and he said there would not that he knew of. I know that while Dr. Woodburn was there we commenced to make arrangements to have the bed brought in. I know that he assisted in pushing around several pieces of furniture to make room for the bed. Now to say that Dr. Woodburn remained until the bed was put in the room I cannot, but that is my impression.

I know that the girls hospital was full. Four beds regularly were in girls hospital. One, I believe was taken out after Mary Ballou's death. I mean four beds were regularly in both rooms of the girls hospital. Six were sick in the girls hospital at that time, when Margaret Cramer was taken sick. The beds were wide single beds. Don't recollect names of the six.

During three or four weeks the hospital was full nearly all the time. Not one pupil, all the time was sick, but one for a day or so. There was a general tendency among the girls to winter fever and female irregularities.

I did not have but the one conversation with Dr. Woodburn about having M. C. removed to hospital. Was with her most of the time and knew there was nothing improper in her remaining where she was.

I did not know what Margaret Cramer was going to say, and she did not know what I was going to testify here; for we had never conversed together on the subject at all, except as a general thing. Never heard her say what she was going to say.

Margaret Cramer told me of the conversation she had with Dr. Woodburn, (which Dr. W. contradicts), on the Professor's return from Greencastle—when I told Professor that she, Margaret, had taken advantage of his absence and returned to her own room, which I told her she ought not to have done. The reason of my telling her so was, that she could not go up and down stairs without panting, and I thought she was endangering her health by going up to her cold room.

I always had every reason to believe that Ann Paxton had great confidence in Professor Larrabee, and had a very high regard for him and he for her. She continued such expressions of confidence and esteem until the close of the last session.

I know that about the close of the term, a few weeks before the close, Professor had difficulty with the girls, on account of their going out with their beaux. I was present when Professor conversed with Margaret Belches, but was not when he conversed with Ann the first time. I know that he told Ann Paxton and Margaret Belches that he would be glad for them to suspend their intercourse with Mr. Lindley and Mr. Cutting. The reason was, that the younger girls plead this example to go out with the boys—sit until late hours.

Margaret Belches was in the habit of sitting in the music room until a late hour with Cutting, and persisted, after being told not to do so by Professor Larrabee. Ann Paxton thought Professor L. ought not to exercise authority over her in the matter, and was determined to keep company, &c. She (Ann) was influenced to persist in this course by Margaret Belches, who persisted to keep company, &c.

I did everything I could to bring about a reconciliation between Professor and Ann. I thought a great deal of Ann—she was my confidant, next to Professor Larrabee. I think that the difficulty set hard with Ann, and think she has a bad feeling towards the Professor at this time; but was in the habit of going to his room after the difficulty and appeared to be friendly. I was the cause of having Ann Paxton sent for to come to Professor L.'s study last Wednesday evening. She had told me she was going away the next day at 2 P. M. I thought a reconciliation ought to be brought about before they separated.

Professor Larrabee stated what impression her testimony made on his mind. He thought, from her testimony, that she had been in the habit of frequenting his room during the year, and then going out and imparting what she heard there. It was the manner in which Dr. Ellis asked her the questions that made Professor L. think her to be a friend and confidant coming into his room in the year, and going out and telling things as a spy. There was no threat made; and Professor Larrabee told her that he had acted the better friend to her than she had to him; that he had heard something against her, and that he had never repeated it—not passed his lips—he did not even believe it. That it was told him by a

person pretending to know of the circumstance involving her moral character.

Professor Larrabee said that it had been his intention to send to Ann Paxton word that when she wanted to see him on business, she need not come to his room, but come to the office and ring the signal. I told them that they could not live together; that their relations had been such, that it was altogether out of the question for them to live in the same house and not be on friendly terms.

Professor proposed to leave the matter to me to settle, and she agreed to it. I made the very simple decision that they should forget and forgive, and be as good friends as before. They both agreed to it and parted. Don't know of their meeting, or speaking together since, except to-day. I did not suppose that interview would ever be reported. I have never had occasion to doubt the character of Ann Paxton for truth and veracity. I think her memory is ordinarily retentive.

*Question by Prof. Larrabee.*—What is the character of Sophia Bigler, of Allen county?

*Witness.*—She is one of the most honest, upright, affectionate, honorable girls I ever knew in my life. She has the highest regard, almost reverence, for Professor Larrabee. I believe, if she knew of this investigation, she would voluntarily come here in the defence of Professor Larrabee—defend him to the utmost. She is near Fort Wayne.

*Question.*—What is the character of Louisa Briggs, of Clark county?

*Witness.*—She is a virtuous, truthful, good girl. Heard her speak a great many times in Professor Larrabee's praise. The character of Kate McKenzie, of Clinton county, is strictly honest and honorable—independent, virtuous, strictly so, and was another of those who thought very highly of Prof. Larrabee.

The character of Sarah Morgan, of Union county?

She is a very affectionate, confiding, good little girl; strictly virtuous and modest. She loved Professor L. very much indeed.

The character of Rosanna Garrison, of Morgan county?

She is a very independent girl; strictly truthful and virtuous; very lively disposition, and unsuspecting. She and her sister always acted toward Professor Larrabee, as though he was their father.

The character of Juliet Bryan, of Lawrence county?

Juliet was a very lively, playful, thoughtless, or unsuspecting girl; perfectly truthful and virtuous; independent; kind to everybody—very kind—honorable.

Margaret Cramer was not unconscious at the time Dr. Woodburn was consulted about her being removed to the hospital. She was rational when it was first proposed. I never had the least occasion to doubt Margaret's veracity; believed her to be a perfectly truthful and virtuous girl, as much as any girl here.

Professor Larrabee read affidavit and allowed to file it with the testimony.

STATE OF INDIANA, *Marion County*, ss :

INDIANA INSTITUTE FOR EDUCATION OF THE BLIND, }  
Indianapolis, September 26, 1856. }

I, William C. Larrabee, hereby solemnly swear, that in the present investigation before this Board of Trustees, the testimony given by sundry persons against me is maliciously false, and, as I verily believe, the result of conspiracy and procurement, particularly that of Isabel Cooper, Elizabeth Roweth, and Richard Hodges; also, that the testimony of Mary Catharine Thrall, is false in several particulars, particularly that part describing scenes of alleged impropriety in my office and my study; and also, that the testimony of many other witnesses of the prosecution, as to acts and sayings of mine, discolors, distorts, misrepresents and misinterprets those alleged acts and sayings; and I furthermore swear, that my intercourse with the inmates of the Institution, has been that of a father among his children, and that only.

WILLIAM C. LARRABEE.

Subscribed and sworn to before me, this twenty-sixth day of September, 1856. Witness my hand and notarial seal.

[L. s.]

JOHN C. TARINGTON,  
*Notary Public.*

Leave being granted,

Mr. Cravens, from the committee on canals and internal improvements, made the following report :

MR. PRESIDENT :

The committee on canals and internal improvements, to whom was referred the memorial of sundry foreign and domestic holders of the stocks of Wabash and Erie Canal, have had the same under consideration and direct me to report that the memorialists do not pray any action at the hands of the General Assembly, but that the memorial is rather in the nature of an address to the people of the State; the committee would therefore ask to be discharged from the further consideration of the subject, and that the memorial be printed in accordance with the direction of the Senate.

The report was concurred in.

A message from the House by Mr. Campbell, an enrolling clerk thereof :



MR. PRESIDENT :

I am directed by the House of Representatives to bring to the Senate, for the signature of the President thereof, enrolled bills of the House,

No. 308. An act relative to the printing, binding and distribution of the session acts, House, Senate and Documentary Journals; declaring who shall be entitled to a copy of the same, authorizing the Secretary of State to dispose of copies of said acts, by sale, when called for, and allowing such Secretary a compensation for superintending such printing, binding and distribution. Also,

No. 365. An act to apportion senators and representatives for the next four years.

The President signed the same.

A message from His Excellency, the Governor, by Mr. Osbourn, executive messenger :

MR. PRESIDENT :

I am directed by His Excellency, the Governor, to inform the Senate that he has approved and signed the following bills thereof:

Senate bill No. 120. An act to enable married women whose husbands have absented themselves, to exercise the rights of resident householders. Also,

Senate bill No. 93. An act to prevent betting on elections and providing punishment for the same. Also,

Senate bill No. 56. An act to provide for the relief and support of married women when deserted by their husbands, and of children when deserted by their parents, by the sale of property. Also,

Senate bill No. 108. An act to amend "an act providing for the election and prescribing certain duties of county surveyors."

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to bring to the Senate, for the signature of the President thereof, enrolled bill of the House,

No. 314. An act to authorize the formation of new counties, and to change county boundaries.

MR. PRESIDENT :

I am directed by the House of Representatives to bring to the Senate, for the signature of the President thereof, enrolled bill of the House,

No. 148, entitled an act to amend the 1st sec. of an act entitled "an act concerning license to vend foreign merchandize, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legerdemain," approved June 15, 1852, and for the encouragement of agriculture.

The President signed the same.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in engrossed amendment of the Senate to engrossed bill of the House No. 199 A bill to authorize the State of Illinois to maintain the Calumet Feeder Dam, and securing the use of the waters of the Calumet River, and providing the manner of assessing damages sustained by the citizens of Indiana by the erection thereof, and regulating the draining of swamp lands adjacent to the Calumet River in the State of Indiana.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills of the Senate, viz :

No. 50. A bill to amend an act entitled "an act to incorporate the Clay Cotton Mills, approved February 15, 1848," without amendment. Also,

No. 93. A bill to prevent betting on elections and providing punishment for the same, without amendment. Also,

No. 80. A bill to amend the 138th section of an act entitled an act providing for the settlement of decedents estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement, without amendment. Also,

No. 106. A bill to amend the 23d section of an act entitled an act defining misdemeanors and prescribing punishment therefor, approved June 14, 1852, without amendment.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed joint resolution of the Senate, viz :

No. 1. A joint resolution on the subject of printing the statutes, without amendment.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills of the Senate, without amendment, viz :

No. 108. A bill to amend an act providing for the election and prescribing certain duties of county surveyors. Also,

No. 120. A bill to enable married women whose husbands have absented themselves, to exercise the rights of resident householders.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House to bring to the Senate, for the signature of the President thereof, enrolled bill of the House,

No. 267. An act to enable the Evansville and Crawfordsville railroad company to alter the line of its road.

The President signed the bill.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate, viz :

No. 68. A bill to amend the 14th section of an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof, without amendment.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate, viz :

No. 4. A bill to authorize the appointment of some person to hold the common pleas court in case of the absence or sickness of the judge, without amendment. Also,

No. 136. A bill to amend the 30th section of an act entitled an act to provide for the general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, without amendment. Also,

No. 62. A bill to amend the third section of an act to regulate the title of all those who purchased swamp lands of the United States after the date of the donation and before the selection of the swamp lands by the State of Indiana, approved March 5th, 1855, without amendment.

Mr. Hostetler, from the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The committee on enrolled bills, have compared the enrolled with the engrossed copy of Senate bill No. 56, an act to provide for the relief and support of married women when deserted by their husbands, and of children when deserted by their parents, by the sale of property. Also,

Senate bill No. 108. An act to amend an act providing for the election and prescribing certain duties of county surveyors, and find the same correctly enrolled.

Mr. Hostetler, from the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The committee on enrolled bills have compared the enrolled with the engrossed copy of Senate bill No. 80, an act to amend the 138th section of an act entitled "an act providing for the settlement of decedents estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlements," approved June 17, 1852, and find the same correctly enrolled.

Mr. Hostetler, from the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The committee on enrolled bills have compared the enrolled with the engrossed copy of Senate bill No. 93, an act to prevent betting on elections and providing punishment for the same. Also,

Senate bill No. 120. An act to enable married women whose husbands have absented themselves, to exercise the rights of resident householders, and find the same correctly enrolled.

Mr. Hostetler, from the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The committee on enrolled bills have compared the enrolled with the engrossed copy of Senate bill No. 68. An act to amend the 14th section of an act entitled an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof, approved May 14, 1852, and find the same correctly enrolled.

On motion by Mr. Murray,  
The Senate adjourned.

1½ o'clock, P. M.

The Senate met.

Leave being granted,  
On motion by Mr. Johnston,

House bill No. 234. A bill supplemental to an act entitled "an act to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and to establish township libraries and for the regulation thereof," approved March 5th, 1855;

Was read a second time and ordered to a third reading on to-morrow.

Leave being granted,  
On motion by Mr. Drew,

House bill No. 118. An act to enable the common councils of the several incorporated cities of this State to prescribe by ordinance the time within which the annual assessments for city purposes shall be made, and the rolls thereof returned and the time within which the city tax rolls or duplicates shall be made and delivered to the collecting officers, and also the time within which such officers shall make their returns;

Was read a third time.

On motion by Mr. Drew,  
A call of the Senate was ordered.

The secretary proceeded with the call;

Whereupon, it being found that thirty-five Senators were present.

On motion by Mr. Heffren,  
The further call was suspended.

The question being shall House bill No. 118 pass ?

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Cravens, Crouse, Drew, Ensey, Fisk, Gooding, Green, Griggs, Hargrove, Heffren, Hendry, Hill, Hostetler, Johnston, March, Miller, McCleary, McClure, Richardson, Rice, Rugg, Sage, Slater

of Dearborn, Stevens, Thompson, Wallace, Weir, Wilson and Yaryan—37.

No Senator voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Leave being granted,  
On motion by Mr. March,

Senate bill No. 166. A bill to fix the time of holding court in the county of Delaware and to repeal acts inconsistent therewith;  
Was read a third time.

The question being shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cooper, Cravens, Crouse, Drew, Ensey, Gooding, Green, Griggs, Hargrove, Heffren, Hill, Hostetler, Johnston, March, Miller, McCleary, McClure, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Stevens, Thompson, Wallace, Weir, Wilson and Yaryan—34.

Mr. Hendry voted in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Leave being granted,  
On motion by Mr. Green,

House bill No. 98. A bill to empower railroad companies organized under the general laws of the State to surrender their franchises, pay off their liabilities, distribute their assets and dissolve their corporation ;

Was read a second time.

On motion by Mr. Green,  
The bill was referred to a select committee of three.

Messrs. Green, Wallace and Ensey were appointed said select committee.

Mr. Suit from the committee on elections made the following report ;

MR. PRESIDENT :

The committee on elections, to whom was referred the papers and evidence in the following contested election cases, to-wit: from the counties of Fulton, Marion, Fountain and Rush, have had them all under consideration, and reported upon them respectively, and have, therefore, directed to me to hand them back to the Senate and recommend that they be placed upon the files thereof.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to return to the Senate House bill No. 320, in compliance with the following resolution of the Senate, viz :

*“Resolved, That House bill No. 320 be returned from the House to the Senate, that the title to the same may be amended.”*

The Senate amended the bill by adding the enacting clause, in the following words:

*“Be it enacted by the General Assembly of the State of Indiana.”*

#### SPECIAL ORDERS.

The hour having arrived, the Senate proceeded to consider the reports of the committee on elections in the case of the contested seat of Hon. Hugh Miller, senator from the district composed of St. Joseph, Marshall, Fulton and Starke counties.

Mr. Sage moved to amend the resolution contained in the report as follows :

Amend by striking out the resolution and insert the following :

*Resolved, That the seat of the Senator from the counties of Marshall, Fulton, Starke and St. Joseph, is hereby declared vacant, and that the whole subject matter in reference to said contested seat be and the same is hereby referred back to the voters of said counties for settlement at the ballot box.*

Mr. Suit moved to lay the amendment on the table.

The ayes and noes being demanded by senators Suit and Hendry,

The Secretary proceeded with the call of the ayes and noes.



Before the announcement of which,

Mr. Gooding moved that the Senate pass informally over the amendment pending to the resolution in the report of the committee on elections, for the purpose of taking up the bill of the House to regulate and restrain the sale of liquors.

The ayes and noes being demanded by Senators Suit and Hendry,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Hostetler, Johnston, McCleary, Richardson, Sage, Slater of Dearborn, Slater of Johnson, Tarkington and Wallace—15.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Green, Heffren, Hendry, Hill, March, Murray, McClure, Parker, Rice, Rugg, Stevens, Suit, Thompson, Weir and Yaryan—25.

So the motion to pass over informally did not prevail.

Mr. Heffren moved to reconsider the vote just taken ;  
Which was not agreed to.

Mr. Heffren moved that the Senate pass informally over the report, and pending amendment, for the purpose of taking from the files the bill making specific appropriations.

The ayes and noes being demanded by senators Wallace and Heffren,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Crane, Drew, Fisk, Hargrove, Heffren, Hostetler, Johnston, McCleary, McClure, Richardson, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Wallace and Weir—18.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Gooding, Green, Hendry, Hill, March, Murray, Parker, Rice, Stevens, Suit, Thompson and Yaryan—21.

So the motion to pass over informally did not prevail.

Mr. Wallace moved that the Senate pass informally over the report, and the pending amendment of Mr. Sage, for the purpose of taking from the files the bill providing for the collection of revenue for the years of 1857 and 1858.

The ayes and noes being demanded by senators Suit and Hendry,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Crane, Drew, Fisk, Gooding, Hargrove, Heffren, Hostetler, Johnson, McCleary, McClure, Richardson, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Wallace and Weir—19.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Green, Hendry, Hill, March, Murray, Parker, Rice, Stevens, Suit, Thompson and Yaryan—20.

So the motion to pass over informally the reports and pending amendments did not prevail.

Mr. Heffren moved to postpone the further consideration of the reports of the committee on elections, now pending, till the first day of the next session of the General Assembly.

The ayes and noes being demanded by senators Suit and Cravens,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Heffren, Hostetler, Johnston, McCleary, McClure, Richardson, Slater of Dearborn, Slater of Johnson, Tarkington and Wallace—17.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crane, Cravens, Crouse, Ensey, Green, Hendry, Hill, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson, Weir and Yaryan—23.

So the motion to postpone the further consideration of the reports from the committee on elections, now pending, did not prevail.

Mr. Brown moved that the Senate pass informally over the report

and pending amendment of Mr. Sage, for the purpose of taking from the files the bill providing for general appropriations.

The ayes and noes being demanded by senators Suit and Hendry,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Crane, Drew, Fisk, Gooding, Hargrove, Heffren, Hostetler, McCleary, McClure, Richardson, Rugg, Sage, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace and Weir—20.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Green, Hendry, Hill, March, Murray, Parker, Rice, Stevens, Suit, Thompson and Yaryan—20.

The President voted in the affirmative, and House bill No. 360 was taken from the files.

Mr. Bearss moved to pass informally over the bill, without reading, for the purpose of resuming the consideration of the report of the committee on elections, and the amendment of Mr. Sage to the resolution contained in the same.

Mr. McLean moved to amend the motion, so as to take from the files the bill of the House to regulate and restrain the sale of liquors.

The ayes and nays being demanded by senators Bearss and Hendry,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Heffren, Hostetler, Johnston, McCleary, McClure, Richardson, Rugg, Sage, Slater of Dearborn, Tarkington and Wallace—17.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Ensey, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Stevens, Suit, Thompson, Weir and Yaryan—23.

So the motion to amend did not prevail.

Mr. Heffren moved to lay the motion of Mr. Bearss on the table.

The ayes and noes were demanded by senators Suit and Hendry,

Pending which, and after numerous unimportant motions,

Mr. Weir moved to pass informally over the report of the committee on elections, and the pending amendment of Mr. Sage, for the purpose of taking up the specific appropriation bill.

The ayes and noes being demanded by senators Wallace and Weir,

*Those who voted in the affirmative were,*

Messrs. Drew, Fisk, Gooding, Hargrove, Heffren, Hostetler, Johnston, McCleary, McClure, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace and Weir—16.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cravens, Crouse, Ensey, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson and Yaryan—22.

So the motion to pass over informally did not prevail.

Mr. Tarkington moved that the Senate pass informally over the votes and questions pending, for the purpose of taking from the files the bill providing for the collection of revenue for the years 1857 and 1858.

The ayes and noes being demanded by senators Wallace and Tarkington,

*Those who voted in the affirmative were,*

Messrs. Fisk, Gooding, Hargrove, Heffren, Hostetler, Johnston, McCleary, McClure, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace and Weir—15.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit, Thompson and Yaryan—23.

So the motion to pass over informally did not prevail.

A message from the House by Mr. Bowes, their clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendment of the Senate to the engrossed bill of the House, viz :

No. 320. A bill providing for transfers of scholarship in the Indiana University for valuable consideration.

A message from the House by Mr. Bowes, their clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate, viz :

No. 166. A bill to fix the time of holding court in the county of Delaware, and to repeal acts inconsistent therewith, without amendments.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to bring to the Senate for the signature of the President thereof, enrolled bills of the House :

No. 118. An act to enable the common councils of the several incorporated cities of this State to prescribe by ordinance the time within which the annual assessments for city purposes shall be made and the rolls thereof returned, and the time within which the city tax rolls or duplicates shall be made and delivered to the collecting officers, and also the time within which such collecting officers shall make their returns. Also,

No. 210. An act to amend the 26th section of an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing for the judges thereof," approved may 14, 1852. Also,

No. 213. An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto. Also,

No. 305. An act to change the time of holding the circuit

courts in the tenth judicial circuit, and to extend the length of the term of said court in Allen county, and providing additional compensation to the judge thereof.

The President signed the same.

A message from the House by Mr. Rowes, their clerk :

**MR. PRESIDENT :**

I am directed by the House of Representatives to bring to the Senate for the signature of the President thereof, enrolled bills of the House.

No. 246. An act to repeal the repealing clause of section fifty-seven in the act entitled "an act for the incorporations of insurance companies, defining their powers and prescribing their duties," approved June 17, 1852, and to renew the act incorporating the Madison Marine Insurance Company. Also,

No. 363. An act repealing the fourth section of an act entitled "an act to regulate the mileage of sheriffs in conveying convicts to the State prison, and of county treasurers in making deposits and in their settlements with the treasurer and auditor of State, and the mileage of members of the General Assembly," approved June 17, 1852.

The President signed the same:

A message from His Excellency the Governor by Mr. Osbourn, executive messenger.

**MR. PRESIDENT :**

I am directed by His Excellency the Governor to inform the Senate that he has approved and signed the following bills thereof:

Senate bill No. 50. An act to amend an act entitled "an act to incorporate the Clay Cotton Mills," approved February 5, 1848.

Senate bill No. 106. An act to amend the 32d section of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852.

Mr. Weir, from the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The committee on enrolled bills, to whom was referred Senate bill No. 63, have compared the same with the engrossed copy thereof, and report that they find the same correct.

Mr. Weir, from the committee on enrolled bills, made the following report:

MR. PRESIDENT :

The committee on enrolled bills, to whom was referred Senate bills Nos. 1, 4, 62, 136 and 166, have had the same under consideration, and have compared the same with the engrossed bills thereof, and that they find the same true copies thereof.

Mr. Hostetler, from the committee on enrolled bills, made the following report:

MR. PRESIDENT :

The committee on enrolled bills have compared the enrolled with the engrossed copy of Senate bill No. 106, a bill to amend the 23d section of an act entitled an act defining misdemeanors and prescribing punishment therefor, approved June 14, 1852. Also,

Senate bill No. 50. An act to amend an act entitled an act to incorporate the Clay Cotton Mills, approved February 15, 1848, and find the same correctly enrolled.

Mr. Griggs, from a select committee, made the following report:

MR. PRESIDENT :

The select committee, to whom was referred a resolution, referring to certain expenditures during the official term of Ex-Governor Joseph A. Wright, have been unable to get any information as will appear by the following communication from Hon. John W. Dodd, Auditor of State:

HON. A. L. GRIGGS,

*Chairman Select Committee :*

SIR:—I am in receipt of your communication of the 25th Oct., containing copy of resolution of the Senate in regard to the expenditure of certain funds during the official term of Ex-Governor Wright, and in reply thereto I have to state that the books of this office, embracing the period referred to, were at the time of the receipt of your communication, and are still, in the possession of the

House committee of ways and means. Of course no investigation can be had until they are returned.

Very respectfully,

Your obedient serv't,

JOHN W. DODD,

*Auditor of State.*

INDIANAPOLIS, March 4, 1857.

The Senate having adopted a resolution referring a part of the subject matter of the resolution referred to. to the Governor, Auditor and Treasurer of State, asked to be discharged from the further consideration of the subject.

The report was concurred in.

The President having decided that the Secretary should call Leroy Woods, as the Senator from the county of Clarke, for his vote on the amendment proposed by Mr. Sage, and now pending, to the resolution in the report of the committee on elections.

Messrs. Sage and Yaryan appealed from the decision, on the grounds that the Senate had decided by a vote on the report of the committee on elections, that the seat of the Senator was vacated;

Whereupon,

On motion by Mr. Bearss,

A call of the Senate was ordered.

The secretary proceeded with the call;

Pending which,

Mr. Heffren moved that the further call be suspended.

The ayes and noes being demanded by Senators Heffren and Richardson,

*Those who voted in the affirmative were,*

Messrs. Alexander, Blair, Brown, Drew, Fisk, Gooding, Hargrove, Heffren, Hostetler, Johnston, Miller, Murray, McCleary, McClure, Richardson, Rugg, Sage, Slater of Johnson, Suit, Tarkington and Wallace—22.

*Those who voted in the negative were,*

Messrs. Bearss, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Green, Griggs, Hendry, Hill, Kinley, March, Parker, Rice, Suit and Thompson—18.

So the further call of the Senate was suspended.



Mr. Heffren moved to pass informally over the votes and questions pending, for the purpose of taking from the files the bill to providing for specific appropriations for the year 1857.

The ayes and noes being demanded by senators Hendry and Griggs,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Drew, Fisk, Hargrove, Heffren, Hostetler, Johnston, McCleary, McClure, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace and Weir—17.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Green, Griggs, Hendry, Hill, Kinley, March, Murray, McLean, Rice, Sage, Stevens, Suit, Thompson and Yaryan—23.

So the motion to pass informally did not prevail.

Mr. Heffren moved to pass informally over the votes and questions pending for the purpose of resuming the consideration of the bill providing for the collection of revenue for the years 1857, and 1858.

The President deciding the motion to be in order,

Messrs. Yaryan and Murray appealed, on the ground that the same motion had been made and decided by the Senate before, pending the consideration of the report of the committee on elections.

Mr. Heffren moved to lay the appeal on the table.

Pending which,

Mr. Sage again moved to amend the resolution contained in the report of the committee on elections, by striking out from the resolving clause and inserting the following :

*Resolved*, That the seat of the Senator from the district composed of the counties of St. Joseph, Marshall, Starke and Fulton be and the same is hereby declared vacant, and that the whole controversy in reference to said seat be referred to the voters of said district for settlement.

Mr. Sage moved the previous question.

The question being, will the Senate second the call?

Mr. Murray moved that the Senate now adjourn.

The ayes and noes being demanded by five senators,

*Those who voted in the affirmative were,*

Messrs. Bearss, Chapman and Hendry—3.

*Those who voted in the negative were,*

Messrs. Alexander, Blair, Bobbs, Brown, Burke, Cooper, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Gooding, Green, Griggs, Hargrove, Heffren, Hill, Hostetler, Johnston, Kinley, March, Murray, McCleary, McClure, McLean, Parker, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Suit, Wallace, Weir and Yaryan—35.

So the motion to adjourn did not prevail.

Mr. Heffren moved to pass over informally the votes and questions pending for the purpose of taking up the bill making specific appropriations for the year 1857.

Mr. Suit moved to lay the motion on the table.

The ayes and noes being demanded by senators Heffren and Rugg,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Chapman, Cooper, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Suit, Thompson and Yaryan—23.

*Those who voted in the negative were,*

Messrs. Drew, Fisk, Gooding, Hargrove, Heffren, Hostetler, Johnston, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn and Wallace—14.

So the motion was laid on the table.

The President laid before the Senate the following communications:

TO THE HON. A. A. HAMMOND,  
*President of the Senate :*

SIR :—The Secretary of the Senate has furnished me with the copy of a resolution to the effect that on Monday morning, the 9th inst., when the committee charged with the investigation of alledged bank frauds makes a report, Joseph A. Wright and myself will be heard within the bar of the Senate one hour each. The committee referred to in the resolution is, I presume, the one appointed early in the session to investigate the charges made in the annual message of the late Governor, that the passage of the act under which the bank of the State of Indiana was organized, had been obtained by the fraudulent entry of the names of members of the General Assembly upon the journals, when they were in fact absent and did not vote, and by the votes of other members who had been corrupted by bribery. The investigations of the committee have proved that those very serious charges were made upon vague rumors, without any investigation as to their truth, and without any foundation in fact. The gentlemen supposed to be implicated could desire nothing more for their complete exculpation than the publication of the testimony.

Under these circumstances, as there appears to be no issue made for discussion, and as the time appointed precludes the idea that such a discussion would be had with reference to any proposed legislative action, there is nothing connected with the matter upon which I would desire to be heard by the Senate.

Presuming that my name was inserted in the resolution because of my being the attorney of the bank, I beg leave further to state that I have not attended the meetings of the committee in that capacity, or by direction of that corporation, and that as far as I am advised it has no occasion to enter into any controversy upon the subject of the charges alluded to.

I therefore very respectfully decline to appear before the Senate on Monday next.

With the greatest respect,

I have the honor to be, &c.,

THOMAS L. SMITH.

INDIANAPOLIS, March 7, 1857.

HON. ABRAM A. HAMMOND,  
*President of the Senate :*

DEAR SIR :—I have the honor herewith to present to you the result of the investigations made in compliance with a resolution of the Senate, and will thank you to lay the same before the honorable body over which you preside.

Yours truly,  
 CALEB MILLS.

MARCH 9, 1857.

*To the Senate of Indiana :*

The undersigned was requested by your honorable body to make investigation into the condition of our educational funds and report the results of such examination.

I am not aware that it is in my power to communicate any information on the subject of the school funds on loan in the counties, supplementary to the exhibit that may be found in the fifth annual report of the department of public instruction; nor do I think that any additional suggestions on the subject of the safe custody and profitable investment of said funds necessary, till the substance of those therein made, or something better, has received statutory form and authority.

It may be proper to state, in this connection, that one thousand nine hundred and sixty dollars of the library fund was unfortunately drawn from the State Treasury in August, 1854, which all subsequent efforts have hitherto failed to replace.

The cause of the occurrence originated in a loan made by Elijah Newland, Treasurer of State, to the Madison Railroad Company of \$32,000, which amount could not be replaced by said borrowers when the funds were needed, to pay the bills for our library books, in August, 1854.

Said company made an arrangement with Mr. Newland to assume that amount of our indebtedness in New York, and in that way refund the sum they had borrowed.

In doing this, they gave their paper for \$32,000, in two notes of \$16,000 each, payable in eight and twelve months.

The acceptors of that paper, the Messrs. Harper, charged the legal interest on said notes, till maturity, to the State of Indiana, and included it in their bill, and it was paid by Mr. Lord, the State Agent, on the endorsement of the superintendent that the bill was correct.

That bill, with the aforesaid item in it, was certified to be correct by the superintendent, on the assurance of the company's agent, that the said \$1,960 thus charged to the State, and paid by her as above stated, should be promptly arranged with the State Treasurer, on the agent's return to Indiana.

It is not necessary to go into detail of the reasons assigned by the parties concerned why the money was not paid and the matter adjusted, on the basis of the pledge to the superintendent.

The above is the substance of the explanation given by Professor Larrabee, of the manner of the occurrence. Steps were immediately taken, on the discovery of the delinquency, to have the amount refunded.

It was supposed that the State had nothing to do with the said railroad company, and that if legal measures must be employed for the recovery of the said \$1,960, they must be sought at the hands of the treasurer who loaned the money.

Though this was the view taken of the legally responsible party, yet, if the said company would replace the amount thus drawn from the treasury, so that the library fund should suffer no detriment, it was deemed proper that the matter should be thus adjusted.

As Superintendent of public instruction, I communicated the facts to the Board of Education, and with their approbation sought to effect a settlement of the case in a private way, without any resort to legal redress.

While the utmost willingness was manifested on the part of the company to pay the amount, which was in fact a part of their debt, to Mr. Newland, yet their ability did not seem to correspond with their disposition to adjust the same.

All these efforts having proved unavailing, the case was communicated to members of the educational committees of both Houses, for counsel and consideration, by the undersigned, before the expiration of his official term, with a view to aid those now charged with the adjustment of the business.

This statement of facts, it is presumed, will be sufficient to bring the matter clearly and satisfactorily before the Senate for consideration and suggestion of the proper method to be adopted in the premises.

The amount, with interest on the sum for two years and a half, should be paid without delay. Indulgence, after such protracted forbearance, would seem to be misplaced and inappropriate under existing circumstances.

There is also another case claiming attention, which has resulted in the diversion of twenty-six hundred and forty-one dollars and twenty-two cents of the library fund from its legitimate purpose.

Through some inadvertence on the part of those charged with the superintendence of the public printing, in 1853-55, the requisite number of copies of the documentary journals of those two sessions to supply all the township libraries, was not printed at the proper time.

Consequently, an edition of 1,000 copies of said journal, for 1855, was subsequently ordered to supply that deficiency, and the expense, amounting to the aforesaid sum of \$2,641 22, was charged to the library fund, instead of being placed under the head of public printing. The statutory provision for appropriating a copy of the legislative documentary journal to every township in the State, has no connection whatever with the library fund, and the division of the aforesaid amount is conceived to be totally unauthorized and illegal.

In the first place, the State makes provisions for distributing these documents to the township without any reference to the existence of a library tax. These books, under the existing statutes, will go into the said library independent of any specific levy for library purposes.

In the second place, the peculiar phraseology of the statute providing for the distribution of these documents by the superintendent, shows most conclusively that the legislature never contemplated any such use of the library funds. (See sections 126 and 127 of Revised School Law of 1855.)

In the third place, the library funds shall be expended in the purchase of books by the Board of Education. A fair and legitimate implication from these premises is, that said funds shall not be expended for any other purpose, nor by any other body than said board. These books are not the list prepared by the superintendent and adopted by the board.

These considerations induced the belief that the aforesaid appropriation of library funds is foreign to the spirit and intent of the law, and rests on a basis that will not stand a legal test, and should therefore be corrected without delay. It seems very desirable that the aforesaid sums, making an aggregate of \$4,621 22, should be restored to their original purpose, and that the Board of Education be instructed to take speedy measures to insure the accomplishment of their appropriate mission.

The foregoing topics seem to be all coming within the purview of the contemplated investigation that demand consideration and correction, supplementary to what will be found elsewhere in its appropriate connection.

If the purpose of the commission has not been entirely misapprehended, it is to be hoped that this communication may not prove altogether unsatisfactory, nor wholly unworthy of the consideration of the honorable body originating the inquiry.

All of which is herewith respectfully submitted.

CALEB MILLS.

Mr. Wallace moved to pass informally over the votes and questions pending, for the purpose of taking up the bill providing for the collection of revenue for the years 1857 and 1858.

Mr. Murray moved to lay the motion on the table.

The ayes and noes being demanded by senators Murray and Suit,

*Those who voted in the affirmative were,*

Messrs. Beaiss, Blair, Bobbs, Burke, Chapman, Cooper, Cra-  
vens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill,  
Kinley, March, Murray, Parker, Rice, Sage, Stevens, Suit,  
Thompson and Yaryan—24.

*Those who voted in the negative were,*

Messrs. Fisk, Gooding, Hargrove, Heffren, Hostetler, Johnston,

McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn and Wallace—13.

So the motion was laid on the table.

Mr. Gooding moved to pass informally over the votes and questions pending for the purpose of taking up the bill of the House to regulate and restrain the sale of liquors.

Mr. Parker moved to lay the motion on the table.

The ayes and noes being demanded by senators Slater of Dearborn and Heffren,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Freeland, Green, Hendry, Hill, Kinley, March, Parker, Rice, Sage, Stevens, Suit, Thompson, and Yaryan—22.

*Those who voted in the negative were,*

Messrs. Drew, Gooding, Griggs, Hargrove, Heffren, Hostetler, Johnston, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn and Wallace—14.

So the motion was laid on the table.

Mr. Rice moved that the Senate now adjourn.

The ayes and noes being demanded by five senators,

*Those who voted in the affirmative were,*

Messrs. Cooper, McCleary and Rice—3.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Brown, Burke, Chapman, Cravens, Crouse, Ensey, Freeland, Gooding, Green, Griggs, Hargrove, Heffren, Hendry, Hill, Hostetler, Johnston, Kinley, March, Murray, McClure, McLean, Parker, Richardson, Rugg, Sage, Slater of Dearborn, Stevens, Suit, Thompson, Wallace, Weir and Yaryan—36.

So the motion to adjourn did not prevail.

Mr. Yaryan moved that the Senate proceed, forthwith, to the

consideration of the revenue bill and the specific appropriation bill, on condition that all senators will agree to be present on Monday next, not break a quorum, and come to a direct vote then on the report of the committee on elections, on the contested seat of the Hon. Hugh Miller.

Mr. Hostetler moved to amend the motion by taking from the files the revenue bill, the specific appropriation bill, and the bill to regulate and restrain the sale of spirituous liquors.

The ayes and noes being demanded by senators Hostetler and Slater of Dearborn,

*Those who voted in the affirmative were,*

Messrs. Drew, Fisk, Gooding, Hargrove, Heffren, Hostetler, Johnston, McCleary, McClure, Richardson, Rugg, Slater of Dearborn, Suit and Wallace—14.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cronse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Sage, Stevens, Thompson, Weir and Yaryan—23.

So the amendment was not adopted.

Mr. Wallace moved to lay Mr. Yaryan's motion on the table.  
Pending which,

On motion by Mr. Sage,  
The Senate passed informally over the votes and questions pending, and took from the files,

House bill No. 364. A bill making specific appropriations for the year 1857.

Mr. Sage moved to suspend the rules and read the bill a third time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Brown, Chapman, Cooper, Crouse, Drew, Ensey, Fisk, Freeland, Gooding, Green, Hargrove, Heffren, Hendry, Hill, Hostetler, Johnston, Kinley, Miller, Murray, McCleary, McClure, Parker, Richardson, Rice, Rugg, Sage, Slater of



Dearborn, Stevens, Suit, Thompson, Wallace, Weir and Wilson—36.

No senator voting in the negative.

So the rules were suspended and the bill read a third time

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Brown, Burke, Cravens, Crouse, Drew, Ensey, Fisk, Green, Hargrove, Heffren, Hendry, Hill, Hostetler, Kinley, Murray, McCleary, McClure, Parker, Richardson, Rice, Rugg, Sage, Stevens, Suit, Wallace, Weir and Wilson—30.

*Those who voted in the negative were,*

Messrs. Chapman, Freeland, Gooding, Griggs, Slater of Dearborn, Thompson and Yaryan—6.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Mr. Heffren moved to pass informally over the report of the committee on elections now pending, for the purpose of taking up the revenue bill.

Pending which,

Mr. Suit moved that the Senate now adjourn.

The ayes and noes being demanded by five senators,

*Those who voted in the affirmative were,*

Messrs. Bearss, Bobbs, Chapman, Cooper, Green, Griggs, Hendry, Suit and Yaryan—9.

*Those who voted in the negative were,*

Messrs. Blair, Brown, Burke, Cravens, Drew, Ensey, Fisk, Freeland, Gooding, Hargrove, Heffren, Hostetler, Kinley, March, Miller, Murray, McCleary, McClure, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Stevens, Wallace, Weir and Wilson—28.

So the motion to adjourn did not prevail.

The question then being, shall the revenue bill be taken from the files?

The ayes and noes being demanded by senators Bearss and Suit,

*Those who voted in the affirmative were,*

Messrs. Brown, Drew, Fisk, Gooding, Hargrove, Heffren, Hostetler, Johnston, Miller, McCleary, McClure, Richardson, Rugg, Sage, Slater of Dearborn, Wallace, Weir and Wilson—18.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Stevens, Suit, Thompson and Yaryan—23.

So the motion to take up the revenue bill did not prevail.

Mr. Suit moved that the Senate now adjourn.

The ayes and noes being demanded by five senators,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Griggs, Hargrove, Hendry and Thompson—7.

*Those who voted in the negative were,*

Messrs. Brown, Burke, Chapman, Cravens, Crouse, Drew, Ensey, Fisk, Freeland, Gooding, Heffren, Hill, Hostetler, Johnston, Kinley, March, Miller, Murray, McCleary, McClure, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Stevens, Wallace, Weir, Wilson and Yaryan—32.

So the motion to adjourn did not prevail.

Mr. Gooding moved that the report of the committee on elections, all questions pending in connection therewith, be passed over informally for the purpose of taking up the bill of the House to regulate and restrain the sale of spirituous liquors.

Mr. Weir moved to amend the motion by taking up the bill providing for the collection of revenue for the years 1857 and 1858.

Mr. Suit moved to lay the motion and pending amendment on the table.

A division of the question being called for.

The question then being shall the amendment of Mr. Weir be laid on the table?

The ayes and noes were demanded by senators Suit and Weir.

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, Murray, March, Parker, Rice, Sage, Suit, Thompson and Yaryan—24.

*Those who voted in the negative were,*

Messrs. Drew, Fisk, Gooding, Hargrove, Heffren, Hostetler, Johnston, McCleary, McClure, Richardson, Rugg, Slater of Dearborn, Wallace, Weir and Wilson—15.

So the amendment was laid on the table.

The question then being shall the motion of Mr. Gooding be laid on the table?

The ayes and noes being demanded by senators Murray and Suit,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, Parker, Rice, Suit, Thompson, Weir and Yaryan—23.

*Those who voted in the negative were,*

Messrs. Brown, Drew, Fisk, Gooding, Hargrove, Heffren, Hostetler, McCleary, McClure, Richardson, Rugg, Sage, Slater of Dearborn, Wallace and Wilson—15.

So the motion was laid on table.

A message from the House by Mr. Turman, a clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to engrossed bill of the House No. 364. A bill making specific appropriations for the year A. D. 1857.

Mr. Bearss moved that the Senate now adjourn.

The ayes and noes being demanded by five senators.

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Crouse, Green, Griggs, Hendry, Murray, Parker, Suit, Thompson and Yaryan—16.

*Those who voted in the negative were,*

Messrs. Brown, Cravens, Drew, Ensey, Fisk, Gooding, Hargrove, Heffren, Hostetler, Kinley, March, Miller, McCleary, McClure, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Stevens, Wallace, Weir and Wilson—23.

So the motion to adjourn did not prevail.

Mr. Hostetler moved to pass informally over the report of the committee on elections and the votes and questions in connection therewith, for the purpose of taking up the revenue bill.

Mr. Bearss moved to lay the motion on the table.

The ayes and noes being demanded by senators Bearss and Hostetler,

*Those who voted the affirmative were,*

Messrs. Bearss, Blair, Bobbs, Chapman, Cooper, Cravens, Crouse, Ensey, Freeland, Green, Griggs, Hendry, Hill, Kinley, March, Murray, McCleary, Parker, Rice, Suit, Thompson and Yaryan—22.

*Those who voted in the negative were,*

Messrs. Brown, Burke, Fisk, Gooding, Hargrove, Heffren, Hostetler, McClure, Richardson, Rugg, Sage, Slater of Dearborn, Wallace, Weir and Wilson—15.

So the motion was laid on the table.

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to bring to the Senate, for the signature of the President thereof, enrolled bill of the House,

No. 364. A bill making specific appropriations for the year 1857.

The President signed the same.

Mr. Yaryan moved that the Senate now adjourn.

The ayes and noes being demanded by five senators,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Burke, Cooper, Cravens, Crouse, Ensey, Green, Hendry, March, Murray, Parker, Stevens, Suit, Thompson and Yaryan—16.

*Those who voted in the negative were,*

Messrs. Brown, Fisk, Freeland, Gooding, Griggs, Hargrove, Heffren, Hostetler, Johnston, McClure, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Wallace, Weir and Wilson—18.

So the motion to adjourn did not prevail.

Mr. Bearss moved that the Senate now adjourn.

The ayes and noes being demanded by five senators,

*Those who voted in the affirmative were,*

Messrs. Bearss, Blair, Burke, Chapman, Cravens, Crouse, Ensey, Green, Griggs, Hendry, Johnston, Murray, March, Parker, Stevens, Suit, Thompson and Yaryan—18.

*Those who voted in the negative were,*

Messrs. Brown, Fisk, Freeland, Gooding, Hargrove, Heffren, Hostetler, Miller, McClure, Richardson, Rice, Rugg, Sage, Slater of Dearborn, Wallace, Weir and Wilson—17.

So the motion to adjourn prevailed.

Mr. Johnston moved to reconsider the vote just taken on adjournment.

The ayes and noes being demanded by senators Bearss and Suit,

*Those who voted in the affirmative were,*

Messrs. Brown, Fisk, Freeland, Gooding, Hargrove, Heffren, Hos-

tetler, Johnston, Miller, McClure, Richardson, Rugg, Sage, Slater of Dearborn, Wallace and Weir—17.

*Those who voted in the negative were,*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cooper, Cravens, Crouse, Ensey, Green, Griggs, Hendry, Hill, Kinley, Murray, Parker, Rice, Suit, Thompson and Yaryan—20.

So the motion to reconsider did not prevail, and the Senate adjourned.

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MONDAY MORNING, 9 o'clock, A. M., }  
March 9, 1857. }

The Senate met.

The journal of the preceding day was read.

A message from His Excellency, the Governor, by Mr. Osbourn, executive messenger:

MR. PRESIDENT :

I am directed by His Excellency, the Governor, to inform the Senate that he has approved and signed the following bills thereof:

Senate bill No. 62. An act to amend the third section of an act to regulate the title of all those who purchased swamp lands of the United States after the date of the donation, and before the selection of the swamp lands by the State of Indiana, approved March 5, 1855.

Joint resolution No. 1. Joint resolution of the Senate No. 1, on the subject of printing the statutes.

Senate bill No. 166. An act to fix the time of holding the circuit court in the county of Delaware, and to repeal acts inconsistent therewith.

Senate bill No. 4. An act to authorize the appointment of some person to hold the common pleas court in case of the absence or sickness of the judge.

Senate bill No. 136. An act to amend the thirtieth section of an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulations thereof, approved March 5, 1855.

The President appointed Senators Slater of Dearborn, Gooding and Heffren, a select committee to investigate the claim of Samuel H. Patterson against the State of Indiana, in accordance with a resolution of the Senate passed some days ago.

Mr. Rice, chairman of a select committee, made the following report:

MR. PRESIDENT:

The committee, to whom was committed House bill No. 8, "an act to compel railroad companies to keep an office within this State, &c.," have had the same under consideration, and have directed me to report it back and recommend its indefinite postponement.

The report was concurred in.

Mr. Heffren presented to the Senate the following protest:

We, the undersigned, protest against the action of the majority of the Senate, for that on the March, [vide journal of that day] the committee on elections of the Senate, to whom had been referred the contested cases of Elliott and Bobbs, Bracken v. Cooper, from the county of Rush, and Case v. Rice, from the county of Fountain, reported that the said Bobbs, Cooper and Rice, contestees, are entitled to their seats as members of the Senate, and on the day of March, the Senate concurred in that report, the so called Republican and American members voting in the affirmative, and the Democratic members, including the undersigned protestants, voting in the negative, vide journal of that day; and we solemnly aver that the said committee on elections, a majority of whom, are members of the so called Republican party, refused to investigate thoroughly the merits of either of said cases, and violated the rights of the contestants by refusing to hear evidence or send for persons and papers, though the time was ample to have enabled them to do so, and the expense would have been little or nothing, and by withholding their said report till a late day of the session,

when it was impossible for the Senate to investigate either of the cases fully; and forcing a concurrence in their report by means of a tyrannical partizan majority.

Against all of which we solemnly protest; and we repudiate and denounce both the action of the committee and the action of a majority of the Senate; and we deny the legality and binding force of said action upon us as members of the Senate, and claim the Senate has a right to go behind the record of this action and investigate the merits of said cases, at its next session, or at any time hereafter, during the term for which the parties are contesting.

HORACE HEFFREN,  
R. D. SLATER,  
A. W. FISK,  
A. J. HOSTETLER,  
WM. B. RICHARDSON,  
LEROY WOODS,  
SAMUEL L. RUGG,  
G. BROWN,  
HUGH MILLER,

ARCHIBALD JOHNSTON,  
LEW WALLACE,  
C. K. DREW,  
JAMES E. WILSON,  
D. MCCLURE,  
A. R. MCCLEARY,  
JOHN HARGROVE,  
WM. E. MCLEAN,  
D. S. GOODING.

MARCH 9TH, 1857.

Mr. Brown introduced a protest signed by numerous citizens of the State of Indiana, protesting against the repeal of the Brandywine turnpike charter.

Laid on the table.

The following message from His Excellency, the Governor, by Mr. Osbourn, executive messenger:

MR. PRESIDENT:

I am directed by the Governor to return to the Senate, bill No. 63, which originated in said body, with his message in relation thereto.

*Gentlemen of the Senate:*

I have felt constrained to return to your Honorable body, enrolled bill No. 63, of the Senate entitled "an act to amend the 6th, 22d, 78th, 79th, 96th and 194th sections, and to repeal section 99 and 73 of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors and prescribing the duties of assessors of real property, county treasurers and auditors, and of the treasurer and auditor of State," approved June 21, 1852, and to provide for the assessment and taxation of banks, brokers, stock jobbers, insurance companies, trust companies, saving institutions, gas companies, and other



joint stock companies, whose taxation is not specifically provided for, without approval.

My objections to said bill are, that the 7th and 8th sections, which provide for the assessment of banks and banking companies, makes the rule of assessment, the amount and value of the capital stock, while all other companies and individuals are required to be taxed upon all the property they may have in possession, besides under the provisions of these sections, no tax would be levied upon any bank or banking association for the debts due to the bank, whereas a private individual is thus taxed. Again, no bank would be assessed for any of her stocks and bonds on deposit in the auditor's office, unless the bank was the owner of said stocks and bonds, clear of all indebtedness. Now these stocks and bonds constitute the basis upon which she procures an issue that she trades upon, and makes her profits, as much as the merchandize of the merchant, or the implements and stock in trade of the mechanic, constitute the basis of his profits.

Now, both the latter are taxed upon their stock in trade, whether they have paid for it or not. I think the same rule should obtain with reference to the banks.

A. P. WILLARD.

The question then being, shall Senate bill No. 63, contained in the foregoing message be passed, the objections of the Governor to the contrary notwithstanding?

*Those who voted in the affirmative were:*

Messrs. Bearss, Blair, Bobbs, Burke, Chapman, Cravens, Crouse, Ensey, Green, Griggs, Kinley, Murray, Parker, Rice, Suit and Yaryan—16.

*Those who voted in the negative were:*

Messrs. Brown, Cooper, Drew, Fisk, Freeland, Gooding, Hargrove, Heffren, Hendry, Hill, Hostetler, Johnston, March, Miller, McCleary, McClure, McLean, Richardson, Rugg, Sage, Slater of Dearborn, Stevens, Thompson and Wilson—24.

So the bill did not pass.

His Excellency Gov. Wright, here appeared within the bar and for the space of an hour and a half addressed the Senate in defence of the charges made in his late annual message, in connection with the passage of the law creating the Bank of the State of Indiana.

On motion by Mr. Griggs,

The Senate adjourned.

2 O'CLOCK, P. M.

The Senate met.

Leave being granted,  
On motion by Mr. Heffren,

The following message from the House was taken up :

A message from the House by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has adopted the following resolution thereof:

*Resolved*, That a committee of three be appointed, on the part of the House, to act with a similar committee on the part of the Senate, to wait upon his Excellency the Governor, and inform him that the General Assembly have been in session the length of time fixed by the constitution, and are about to adjourn *sine die*, unless he has some further communication to make, and the Senate be informed of the adoption of this resolution, and that Messrs. Studabaker, Humphreys and Steele have been appointed said committee on the part of the House.

In which the concurrence of the Senate is respectfully requested.

The resolution contained in the foregoing message was concurred in, and Messrs. Heffren, Sage and Drew were appointed the committee on the part of the Senate, in accordance therewith.

On motion by Mr. Drew,

*Resolved*, That the thanks of the Senate are due, and are hereby tendered, to the Principal and Assistant Secretary, Doorkeeper, Sergeant-at-arms, and their several assistants, for the faithful discharge of their duties during the present session.

On motion by Mr. Yaryan,

*Resolved*, That the Congregational Church of Indianapolis be granted the use of the Senate Chamber, as a place of religious worship, during the recess of the Senate.

On motion by Mr. Heffren,

*Resolved*, That the special committee on bank frauds be allowed

to commence its sittings at any time within ninety days after the adjournment of the legislature.

On motion by Mr. March,

*Resolved*, That 5,000 copies of the Address on Education, by Mr. Mills, late Superintendent of Public Instruction, be published separate from his report; that 1,000 copies of the same be at his disposal, and the remainder distributed to the members of the Senate by the Secretary, as early as it may be done.

Mr. Freeland, chairman of the committee on federal relations, made the following report:

MR. PRESIDENT:

The committee on federal relations, to whom was referred the joint resolutions from the republic of Liberia, in relation to the purchase of land by the Colonization Society for the use of emigrants from this country, have had the same under consideration, and directed me to report that the subject matter therein contained is of great importance, and the committee regret that the communication came to late too be acted on at the present session of the General Assembly. The committee have directed me further to report that the communication be recommended to the next session of the General Assembly.

On motion by Mr. Drew,

*Resolved*, That the principal secretary be required to superintend the printing of any paper or document ordered to be printed for the use of the Senate, not yet printed, or otherwise provided for, and that he forward the proper proportions of all Senate documents now undistributed, to each Senator, as soon as practicable, by mail or express, and that he be authorized to draw upon the treasurer of State, for money to defray the expenses thereof.

Mr. Heffren, from a select committee, made the following report:

MR. PRESIDENT:

The undersigned, a committee appointed to wait on the Governor and inquire whether he had any further communication to make to this body, have performed that duty and would report that His Excellency, the Governor, has no further communications to make to the General Assembly of this State.

Mr. Johnston offered the following preamble and resolution :

WHEREAS, The time allowed by the constitution of the State of Indiana for the General Assembly to transact legislative business having expired, and the Governor having informed the Senate that he had no further communications to make to this legislature, therefore,

*Resolved*, That the Senate do now adjourn *sine die*.

Which was agreed to ; and

The President, after a few appropriate remarks, pronounced the Senate adjourned *sine die*.

JONATHAN S. HARVEY,  
*Principal Secretary.*

JAMES N. TYNER,  
*Assistant Secretary.*

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Number.	TITLES.	Introduced	Proceedings thereon,	Passed Senate.	Passed House.	Other Proceedings.	Approved.	By whom introduced.
1	An act to apportion Senators and Representatives for the next four years.....	17	17, 25, 31, 36, 37, 38	39		80		Cravens.
2	An act to amend the 18th section and 19th section of "an act prescribing the powers and duties of Justices of the peace in State prosecutions," approved May 29, 1852.....	21	22, 219, 220, 221, 253 [254, 327, 392]					Yaryan.
3	A bill to repeal an act entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance," approved Feb. 16, 1855.....	22	23					Drew.
4	A bill to authorize appointments of some person to hold the common pleas court in case of the absence or sickness of the judge.....	24	23, 304, 325	325	300	211	227	Murray.
5	An act to amend the 9th section of an act entitled "an act providing for the election and qualification of Justices of the peace, and defining their qualifications and duties in civil cases," approved June 9, 1852.....	25	21, 29, 90, 143					Weir.
6	An act to prevent illegal voting, and affixing penalty therefor, and to provide for the registry of the names of voters.....	26	21					Stevens.
7	A bill to provide for the granting of writs of habeas corpus, injunctions, and restraining orders, in certain cases.....	26	22					Miller.
8	An act to amend section three of an act entitled "an act to amend the 1st and 4th sections of an act authorizing recorders to make out complete or general indexes to records of deeds and mortgages, and to procure and use seals," approved February 14, 1855.....	26	22, 136, 151					Griggs.
9	An act defining embezzlement, and prescribing the punishment therefor.....	26	22, 107, 134	134				Drew.
10	A bill to amend the 433d section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.....	26	22, 99, 109, 130					Hangrove.
11	A bill to regulate and facilitate the renting of lands to tenants.....	26	90, 99					Hangrove.
12	An act to enable the Governor, with the advice of the Auditor and Treasurer of State, and of the Attorney General, to compromise actions, or causes of actions, between the State and a citizen or citizens thereof.....	26	90, 99					Parker.
13	An act to amend the 6th section and 18th section of an act entitled "an act regulating the granting of divorces, nullification of marriages and decrees, orders of courts incident thereto," approved May 13, 1852.....	27	90, 91, 141, 142, 261 [282, 293]	283				March.

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Number.	TITLES.	Introduced.	Proceedings thereon.	Passed Senate.	Passed House.	Other Proceedings.	Approved.	By whom introduced.
14	An act to provide for the approval of the official bonds of constables and justices of the peace.....	81	92, 129, 148	148	409	477	477	Parker.
15	A bill fixing the compensation of executors and administrators, and to repeal section 148 of chapter 10, in volume 2, Revised Statutes of 1852.....	88	104, 218, 291	292		292, 293, 291		Hargrove.
16	An act providing for the taxation of costs, in cases where lands are attached by process from the circuit courts and courts of common pleas where the claim is less than fifty dollars.....	88	104, 119, 134	135	409	477	477	Hendry.
✓ 17	A bill to make colored persons competent witnesses in State prosecutions, or in proceedings or prosecutions for bastardy, in which the relators and defendants are colored persons.....	102	110					Rugg.
18	A bill to provide for the appraisement of real property, and prescribing the duties of officers relating thereto.....	102	102, 103, 172, 173, 374					Tarkington.
19	A bill making an allowance to the Governor, for the purpose of furnishing the Governor's house.....	103	110					Snit.
20	An act authorizing the swamp land agent to estimate and pay for ditching, in cases therein specified.....	103	110, 380					Freedland.
21	A bill to amend the 467th section of "an act to revise, simplify and abridge the rules, practice, pleadings and forms, in civil cases, in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.....	103	111					Green.
22	A bill to amend the 143d section of "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes, in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.....							Chapman.
23	A bill to amend the 103d section of chapter 1st and article 10th, of the Revised Statutes of 1852, and entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions, in the courts of this State," approved June 17, 1852.....	103	111, 119, 135	135				
24	A bill to tax the premiums received by insurance companies, incorporated within this State, for the benefit of fire companies within the same.....	104	112, 140					Rice.
25	A bill to cure defects in the execution of deeds, mortgages, and other instruments,	108	133, 141					Drew.



26	or in the certificates of acknowledgments to conveyances of real estate, in certain cases herein specified.....	108	133, 140, 141, 281, 283	Weir.
27	A bill compelling railroad companies to raise all crossings of railroads, where the same are higher than the tops of the cars, to seven feet above the tops of the highest cars used upon said railroad.....	109	133, 152	Stevens.
28	A bill amendatory of sections six and eight of the Revised Statutes of 1852.....	109	133, 143, 304, 549, 553	Sage.
29	A bill to enable assignees of school land certificates to obtain deeds, when the assignment has not been acknowledged.....	132	147, 253, 327	Wear.
30	A bill to provide for the administration of justice speedily and without delay.....	132	147	Rugg.
31	A bill to enable the Governor, Auditor and Treasurer of State, with the advice of the Attorney General, to compromise actions, or causes of actions, between the State and a citizen or citizens thereof.....	132	129, 410, 489, 541	Parker.
32	An act supplemental to the 9th article of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the courts of this State; to abolish distinct forms of action at law, and to provide without distinction between law and equity;" approved June 18, 1852.....	133	145, 365, 396	Rice.
33	An act defining the jurisdiction of grand juries, regulating the finding by them of informations for misdemeanors, specifying the duties of certain officers in connection with such juries, and repealing certain sections of laws inconsistent therewith.....	134	145, 492	Wallace.
34	A bill to provide for the sale of freights shipped upon railroads, boats, and other public conveyances, to pay the expenses of transportation, and to prevent the loss of the same to the owner.....	144	183, 184, 391, 423	Green.
35	An act to amend the 5th section of an act entitled "an act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855.....	144	184, 501, 562, 582	Richardson.
36	A bill to facilitate the ditching and draining of swamp lands as therein provided.....	144	188, 380	Freeland.
37	An act to provide for a change of venue on account of the prejudice of the presiding judge.....	145	185, 280, 321, 328	Cravens.
38	A bill to amend the first section of an act entitled "an act to amend the charter of the Indianapolis and Bellefontaine Railroad company," passed January, 1850.....	148	149, 254, 326	Robbs,
39	A bill to authorize county recorders to demand their fees in advance.....	151	185, 283, 284	Judiciary Committee.
40	A bill to amend the second section of an act entitled "an act concerning enclosures, trespassing animals, and partition fences,".....	161		Rugg.
41	An act allowing the formation, and defining the liabilities of limited partnerships.....	161	185, 280, 294, 411	Weir.
42	An act for the uniform mode of doing township business.....	162	185, 318, 319, 321, 322	Wallace.
43	An act relative to the salaries of public officers, and providing the manner of paying the same.....	162	323, 324, 347, 534, 555	Weir.
44	An act to amend the 3d section of an act entitled "an act to establish courts of common pleas, and defining the jurisdiction of, and providing compensation for the judges thereof," approved May 14, 1852.....	162	186, 415, 416, 454, 455	Weir.
45	An act to amend an act entitled "an act concerning interest on money," approved May 27, 1852.....	162	456, 542	Stevens.
	A bill to repeal the 10th section of an act entitled "an act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of judges thereof," approved June 11, 1852.....	162	186, 294, 322, 323, 404 416	Hargrave.

# BILLS OF THE SENATE.—Continued.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed Senate.	Passed House.	Other proceedings.	Approved.	By whom introduced.
46	A bill to cure defects in certificates of acknowledgment of conveyances of real estate, and in the record of such acknowledgment, in certain cases therein named .....							
47	A bill to provide for the taxation of railroad companies, and of the real estate of said companies.....	162	187, 253					Green.
48	A bill to amend the 18th section of an act entitled "an act for the more uniform mode of doing township business," approved May 1, 1852.....	162	186, 187, 495					Miller.
49	A bill to amend "an act regulating decents and the apportionment of estates," approved May 14, 1852.....	162	186					Mansfield.
50	A bill to amend an act entitled "an act to incorporate the Clay Cotton Mills," approved Feb. 13, 1848 .....	177	177, 178, 289, 338, 411					Heffren.
51	A bill to preserve the purity of elections, and to amend section 21 of "an act regulating general elections, and prescribing the duties of officers in relation thereto," approved June 7, 1852.....	178	188, 191, 325	326	798	811	810	Richardson.
52	A bill touching the disposition of the German Revised Statutes of 1852.....	178	188, 450, 521	521				Gooding.
53	A bill to amend section 1st of chapter 119, of an act to amend section 3 of an act entitled "an act for the regulation of weights and measures," approved February 28, 1855.....	178	294, 329, 330					Drew.
54	A bill to regulate and restrain the retailing of spirituous liquors, and for the suppression of the evils arising therefrom .....	183	294					Sage.
55	A bill to revise, simplify, and abridge, the rules, practice, pleadings and forms, in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity.....	202	292, 293, 294, 589					
56	A bill to provide for the relief and support of married women when deserted by their husbands, and children when deserted by their parents, by the sale of property.....	204	294, 295					McLean.
57	A bill to amend the 15th, 18th, and 35th sections of an act entitled "an act to provide for the opening, vacating, and change of highways," approved June 15th, 1852, and to repeal sections 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, and 38, of said act; and also, to repeal sections 13, 14 and 18, of an act entitled "an act for the more uniform mode of doing township business," .....	204	295, 325	325		712, 713, 890	797	Bearss.
58	A bill to amend the 3d section of an act entitled "an act declaratory of the law	204	294, 295, 635					

	regulating marriages and enforcing the provisions thereof by proper penalties, approved March 5, 1852.	952	295, 296, 644				Judiciary committee.
59	A bill to amend an act entitled "an act concerning interest on money," approved May 27, 1852, and to repeal section 51 of "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852.	980	351, 404, 417				Cravens.
60	A bill providing for assignments in trust for the benefit of creditors, and regulating the mode of administering the same.	980	348, 351, 603				Wallace.
61	A bill to prescribe the mode of selecting petit jurors in the courts of common pleas, and repealing all laws contravening the provisions of this act.	980	318, 364, 510, 513				Tarkington.
62	A bill to amend the 3d section of an act to regulate the title of all those who purchased swamp lands of the United States after the date of the donation, and before the selection of swamp lands by the State of Indiana," approved March 5, 1855.	988	338, 351	352	900	811	Green.
63	A bill to amend the 6th, 22d, 78th, 79th, 96th, 119th and 134th sections, and to repeal section 99 of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852; and to provide for the assessment and taxation of banks, brokers, stockholders, insurance companies, trust companies, savings institutions, stock companies, and other joint stock companies whose taxation is not specially provided for.	988	[358, 418, 419, 420, 584 589, 338, 349, 356, 357]	584	717	811, 828, 829	Tarkington.
64	A bill to amend section 1st of an act entitled "an act to change the time of holding courts in the eleventh judicial circuit," approved March 3, 1855.	989	339				Beass.
65	A bill to amend sections 43 and 128 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.	989	339, 352	352			Murray.
66	A bill to provide for the loaning of the surplus revenue fund, and other public funds, and in certain cases to extend the time when such loans are to be paid.	990	290, 601				Cooper.
67	A bill to repeal section 9 of an act entitled "an act to enforce the 13th article of the constitution by providing a penalty for the importation of negroes and mulattoes in the State of Indiana, contrary to the provisions of this act."	990	339, 352				Hostetler.
68	A bill to amend the 14th section of an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof."	991	339, 374, 394	395	800	801	March.
69	A bill for the relief of Isaac Seizer, of Hardin county, Kentucky.	315	315, 331, 626				Murray.
70	A bill to provide for a subscription to the Indiana Statutes and for the payment thereof.	316	316, 349, 367, 554, 577 [612, 613, 616, 617]				Suit.
71	A bill to amend sections 32 and 33 of an act entitled "an act to provide for the assessment of real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors and prescribing the duties of assessors."	316	337, 338, 495				Hendry.
72	A bill to amend the 1st section of an act entitled "an act authorizing proceedings to try the right of property seized by virtue of any writ of execution or attachment, and claimed by any person other than the executor or attachment defendant," approved June 10, 1852.	316	365, 369	369			Wallace.
73	A bill to provide for the disposition of real estate of aliens dying, or having died						

# BILLS OF THE SENATE.—Continued.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed Senate.	Passed House.	Other Proceedings.	Approved.	By whom introduced.
74	Intestate or testate without heirs or devisees capable of taking such real estate by devise or descent .....	317	366, 375, 395	385				Dea.
75	A bill for the relief of Andrew Scott .....	317	365, 487					Parker.
76	A bill authorizing the trustees of townships to establish water courses and locate ditches in certain cases .....	317	365, 550, 551, 583, 584					Mill.
77	A bill to enable boards of township trustees to purchase, condemn and hold lands for school purposes, to borrow money and to mortgage lands to secure loans .....	317	365, 603					Slater of Dearborn.
78	A bill to amend "an act establishing general provisions respecting corporations," approved June 15, 1852 .....	317	366					Bo's s.
79	A bill to grant the assent of the State of Indiana to the dissolution of corporations created by general law .....	317	366, 389	389				Bo's s.
80	A bill to prohibit certain county officers and their deputies from practicing as attorneys at law .....	317	366, 495					Tarkington.
81	A bill to amend the 13th section of an act entitled "an act providing for the settlement of decedents estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlements," .....	318	365, 555, 577	578	798	801		Munsfield.
82	A bill preventing the willing and bequeathing to any benevolent, charitable or other institution, by any person, of more than a certain amount of property .....	318	365, 451, 520					Hersch.
83	A bill in relation to conveyances and devises of personal and real estate for religious purposes .....	318	364					Cravens.
84	A bill declaratory of the meaning of an act entitled "an act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855 .....	318	354, 528					Griggs.
85	A bill to amend "an act regulating the fees of officers, and repealing former acts in relation thereto," .....	320	369, 399, 400	400		404		Johnston.
86	A bill to amend section 156 of article 9, chapter 7, Revised Statutes 1852, entitled "Attachments," .....	321	369, 520	520				Richardson.
87	A bill to amend the 11th section of "an act to provide for the erection and repairs of bridges," and to repeal an act entitled "an act to provide for the erection and repair of bridges," approved March 3, 1855 .....	321	368, 400, 425					Hargrove.
	A bill for the investment and safe-keeping of the school fund arising from the 114th section of an act establishing a State bank, approved January 28, 1854 ..	321	367, 596					Hefren.

88	A bill to enable men whose wives are insane to convey real estate.....	321	363, 410, 411	564	575	Alexander.
89	A bill to provide for the taking an enumeration of the voters of a county upon a petition for a relocation of the county seat.....	321	367, 378			Griggs.
90	A bill prescribing the mode under which insurance companies incorporated under the laws of this State, shall do business in this State, and providing for the security of policy holders within this State, in insurance companies.....	334	335			Sage.
91	A bill to provide for the safe-keeping of the public money, and of bonds and other securities entrusted to the care of certain officers.....	336	336, 547			Hedren.
92	A bill to empower the common councils of incorporated cities to compel owners of property to build and keep in repair side-walks, and supplement to an act entitled "an act for the incorporation of cities," approved June 18, 1852.....	337	355			Weir.
93	A bill to prevent betting on elections and providing punishment for the same.....	337	367, 375, 376, 385	798	797	Hill.
94	A bill prohibiting corporations and associations, other than general banking corporations, from issuing bills or notes for general circulation.....	337	337, 346			Wallace.
95	A bill to amend section 651 of an act entitled "an act to enforce mechanic's liens on buildings," approved June 18, 1852.....	347	364, 389, 385	390		Select committee.
96	A bill to amend an act entitled "an act to provide for the more uniform mode of doing township business," approved May 6, 1852.....	362	378			Fisk.
97	An act to provide for the sale of certain lands belonging to the State University the application and investment of the purchase money thereof, and to enable the board of trustees of said University to obtain accurate information in relation to the property thereof.....	362	378, 600, 633			Crane.
98	A bill to amend the 6th section of an act entitled "an act for the more uniform mode of doing township business," to require the trustees to perform duties now required of township clerks and treasurers, and to repeal laws coming in conflict therewith.....	362	378			McClure.
99	A bill authorizing creditors to take additional securities for school fund borrowed on present security, or bring suit for the immediate collection of the same.....	370	378			Wallace.
100	A bill to amend the 6th section of an act entitled "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries and for the regulation thereof," approved March 5, 1855.....	370	379			Wallace.
101	A bill to authorize county auditors, recorders and surveyors to re-copy maps, plats and field notes when the original copies are worn or defaced, and prescribing the duties of county commissioners in relation thereto, and to repeal an act entitled "an act to authorize county auditors and recorders to re-copy maps and plats when the original copies are worn or defaced," approved June 15th, 1852.....	372	385, 424	424		Blair.
102	A bill to amend the 25th section of "an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant," approved May 29, 1852, and also, to facilitate the ditching and draining of swamp lands, and to provide for the payment thereof, in certain cases therein named.....	380	385, 425, 486, 537	537	670	Freedland.
103	A bill to provide for the redemption or purchase of the bank bonds, and Indiana and other State stocks, and United States stocks, providing for the manner of doing the same, and defining the duties of certain officers connected therewith.....	380	[519, 617, 618, 622, 665 721, 722, 723, 724, 725 491, 514, 515, 516, 518]	580	581, 612	Bobbs.

# BILLS OF THE SENATE.—Continued.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed Senate.	Passed House.	Other proceedings.	Approved.	By whom introduced
104	A bill to repeal an act entitled "an act to establish a bank with branches," passed by both branches of the General Assembly of 1853, the Governor's objections to the contrary notwithstanding.....							
105	A bill defining misdemeanors and prescribing the punishment therefor.....	384	490, 491, 744, 746					Wallace.
106	A bill to amend the 32d section of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852.....	384	490, 602					Slater of Johnson.
107	A bill to repeal the 13th section of an act entitled "an act concerning promissory notes and bill of exchange, approved May 12, 1852.....	384	426, 529, 582	583	799	811	810	Hostedler.
108	A bill to amend an act entitled "an act providing for the election and prescribing certain duties of county surveyors,".....	384	426					March.
109	A bill to amend the 24th section of an act entitled "an act regulating descents and the apportionment of estates," approved May 14, 1852.....	384	490, 502, 503, 542	542	799	578, 579, 800	797	Blair.
110	An act to regulate and restrain the sale and disposal of spirituous and intoxicating liquors, to prevent drunkenness and crime, and to punish the same, and to repeal all former laws conflicting with the provisions of this act.....	410	493					Finance committee.
111	A bill to regulate and license the use and sale of liquors.....	413	414, 535, 555, 557, 615					Temp'nee com'tee.
112	A bill to repeal section 1st of an act prescribing the duties and fixing the compensation of State Agent," approved June 17, 1852, and to provide for the election of State Agent by the people.....	414	414, 415, 493					Cravens.
113	An act to secure due payments of costs in justice's courts in State prosecutions.....	421	492, 541					Alexander.
114	A bill to amend section 23 of an act entitled "an act for the incorporation of cities,".....	421	492	541		595, 652, 653		Yaryan.
115	An act to amend an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.....	421	492					McClure.
116	A bill to amend section 6, and to repeal sections 34 and 54 of an act passed March 3d, 1855, to amend "an act to authorize and regulate the business of general banking," approved May 25, 1852.....	422	492					Cooper.
117	An act authorizing master commissioners and clerks of the circuit court, in the absence of the circuit judges, and judges of the several courts of common pleas, and in counties where there are no judges resident to issue writs of habeas corpus and try cases arising under said writs, and to award injunctions and	422	492					Tarkington.

118	writ of <i>ne exeat</i> and regulating appeals in such cases, and providing for their compensation .....	422	493, 494	Wallace.
119	A bill to establish a bank with branches and to enable the stockholders to obtain a loan of the capital stock upon the faith of real estate.....	423	423, 594, 666, 667	Alexander.
120	An act to amend section 3d of an act entitled "an act regulating prosecutions in cases of bastardy, and providing for the support of illegitimate children," approved May 6, 1832.....	449	494, 600	Gooding.
121	A bill to enable married women whose husbands have absented themselves to exercise the rights of resident householders .....	450	494, 520	Freeland.
122	A bill to prohibit the issue of bank notes for circulation by "the Bank of the State of Indiana," upon deposit, and to provide for the location of additional branches of said bank.....	450	494, 549, 583	Tarkington.
123	A bill to prevent railroad companies from obstructing public highways and providing punishment for the same.....	450	494	Hill.
124	A bill declaring the mode of publication of all notices made under orders of courts made by the officers thereof, and by all officers in the State.....	450	494	McClure.
125	A bill in relation to the publication of legal notices in newspapers.....	450	524	Yaryan.
126	A bill to amend the 78th section of an act entitled "an act to revise, simplify, and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17, 1832.....	488	625	Parker.
127	A bill to provide for the printing and distribution of the acts of the General Assembly.....	488	625	Hendry.
128	A bill to amend section 5th of "an act prescribing the manner of empanneling petit jurors, the number and compensation thereof," approved May 20, 1852... A bill authorizing the Treasurer of State to pay purchase money as therein provided, to any person who entered land of the general government of this State, a part of which was subsequently returned as swamp lands, and the purchase money paid by the general government into the treasury of this State.....	488	625	Tarkington.
129	A bill to regulate and determine the fees of judges in suits of libamus corpus, injunctions, and restraining orders, in the vacation of courts.....	480	593	Parker.
130	A bill to authorize the record of deeds, or transcripts thereof, to be read in evidence, where in certain cases they have been recorded in the adjoining county.	480	594	Tarkington.
131	A bill to provide for oral argument and speedy decision of causes in the Supreme court.....	480	510, 514	Heffren.
132	A bill to provide for the collection of taxes upon lands belonging to railroad and other incorporated companies.....	480	593	March.
133	A bill providing fees for county auditors, and to repeal the 8th section of an act entitled "an act regulating fees of officers, and repealing former acts in relation thereto," approved March 2, 1835.....	495	593	Select committee.
134	An act to amend the 655th section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 13 1832.....	501	624	Finance committee.
135	A bill to amend the first section of an entitled "an act for the protection of sheep," approved June 15, 1832.....	502	624	Finance committee
		504	624	Hill.

## BILLS OF THE SENATE.—Continued.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed Senate.	Passed House.	Other proceeding.	Approved.	By whom introduced.
136	A bill to amend section 30 of an act entitled "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith and to establish libraries, and for the regulation thereof,"	505	505, 579	580	800	811	827	Yaryan.
137	An act to regulate the transportation of negroes and mulattoes upon railroads, and to prevent the escape of fugitive slaves	506	623, 667					Tarkington.
138	A bill to amend "an act to incorporate the Lafayette Hydraulic company," approved January 26, 1847, so as to extend the same	506	623					Crouse.
139	A bill providing for the election, and prescribing certain duties of county surveyor, fixing his compensation in certain cases, and providing a fee for county recorders in recording transcripts of surveys, and repealing "an act providing for the election and prescribing certain duties of county surveyors," approved June 17, 1852.	506	623					Drew.
140	A bill districting the State for the purpose of electing five judges of the Supreme court.	506	624					Rugg.
141	An act to amend an act entitled "an act to exempt property from sale in certain cases," approved Feb. 17, 1852	506	624					Griggs.
142	A bill declaring the existence of an emergency for the passage, and of the immediate taking effect of "an act providing for the removal of the buildings on the Governor's Circle in the City of Indianapolis, and the improvement thereof."	506	594					Bobbs.
143	A bill forbidding persons holding office in any banking institution, to hold or discharge the duties of any office or appointment in the State Bank of Indiana or any of its branches, and prescribing the penalty for violating the same.	507	624					March.
144	A bill to provide for the election of United States' Senators, in pursuance of the Constitution of the United States, and defining the manner and time of conducting such election	533	623					Gooding.
145	A bill legalizing the acts of the Terre Haute Drawbridge Company, in organizing under the general law relative to bridge companies, electing directors and constructing an embankment	533	623					McLean.
146	A bill to abolish township boards, and to transfer the public business with which they have been charged to other officers as therein provided; to provide for districting townships into school districts, and provide for electing one school district director in each district.	534	623, 632					Miller.



147	An act to amend an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries and for the regulation thereof," approved March 5, 1855	547	547, 548, 658	Com. on education.
148	A bill to provide for the erection of suitable buildings for the executive and other officers of the State, a Supreme Court room, Supreme Court Clerk's office, and Attorney General	553	553, 582, 611	Select committee.
149	A bill to change the time of holding the circuit court for the county of Sullivan, and to lengthen the session thereof	556	593	McLean.
150	A bill to amend an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852	595	659	Select committee.
151	A bill to amend an act entitled "an act to provide for incorporation of railroad companies," approved May 11, 1852	595	659, 751, 752, 753, 754	Bobbs.
152	A bill to amend the 1st section of an act entitled "an act to amend the 5th section of an act entitled "an act for the more uniform mode of doing township business," approved March 1, 1853, and to amend sections 6, 7, and 12 of an act entitled "an act for the more uniform mode of doing township business," approved May 6, 1852	596	659	Blair.
153	A bill for the registration of births, marriages and deaths in this State	596	656, 659	Bobbs.
154	A bill to prevent prostitution and lewdness, and declaring buildings occupied and used for such purposes to be nuisances	602	661	Judiciary committee.
155	A bill to prevent the carrying of concealed weapons and prescribing the punishment therefor	603	661	Judiciary committee.
156	A bill to enable cities to supply themselves with water	607	607	Drew.
157	A bill for the establishment of normal schools, and the organization of a State Board of Education for the management of the same, and the diffusion of the general educational interests of the State	607	608, 660	Bobbs.
158	A bill to amend the 1st, 4th and 5th sections of "an act concerning interest on money," approved May 27, 1852	608	660, 672, 673	March.
159	A bill to provide for the protection of telegraph lines, and the punishment of persons interfering therewith	608	660	Burke.
160	A bill to amend the 51st section of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852	608	660, 672	March.
161	A bill to provide for a geological, mineralogical, chemical and agricultural survey of the State of Indiana	608	680, 715	Freeland.
162	A bill authorizing non-resident railroad directors by railroad companies chartered within this State	610	680	Bobbs.
163	A bill for the taxation of brokers	611	659	Freeland.
164	A bill for the protection of the people against incompetency and recklessness on the part of practitioners of medicine and surgery, and of the apothecaries art	616	659	Select committee.

## BILLS OF THE SENATE.—Continued.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed Senate.	Passed House.	Other Proceedings.	Approved.	By whom introduced.
165	A bill to authorize the appointment of a commissioner to take charge of the estate of any person who shall have absconded or absented himself, or shall have been absent from his family, or last or usual place of residence or of doing business, for six months without having been heard from during that time, and without the reason for his absence, and the place of his sojourn or travel being known, or whether he be dead or alive, and prescribing the duties and powers of such commissioner, and the effect of his proceedings in the premises.....	619	661, 729					
166	A bill to fix the time of holding the courts in the county of Delaware, and to repeal all laws inconsistent therewith .....	622	661, 803	803	805	811	826	McLean.
167	A bill to provide a site, system of government, and plan for the erection of a State House or Refuge, for the correction and reformation of juvenile offenders, and to repeal an act on the same subject, approved March 3, 1855 .....	633	633					March. Johnston.

## BILLS OF THE HOUSE.

Number.	TITLES.	Other Proceedings.			
		Reported from House.	Proceedings thereon.	Passed Senate.	
1	An act to regulate the salary of the Governor, and to repeal all former acts relating thereto.	92	92, 23, 24, 39, 87, 88, 89		
2	A bill ceding to the United States of America jurisdiction over certain lands, and their appurtenances, in the city of Indianapolis, and exempting the same from taxation.	93	93, 94, 104	104	104
3	An act to repeal an act, approved February 16, 1855, relative to the manufacture and sale of spirituous and intoxicating liquors.	297	297, 363, 527, 538, 619		
4	A bill to amend the 4th section of an act entitled "an act touching the relation of guardian and ward," approved June 9, 1852.	112	112, 134, 147	148	150
5	An act to amend the 10th section of an act for the incorporation of towns, and declaring their powers, providing for the election of officers thereof, and declaring their duties," approved June 11, 1852.	296	297, 363, 398	398	447
6	An act to amend "an act concerning interest on money," approved May 27, 1852.	369	369, 377, 404, 416		
7	An act to compel railroad companies to keep an office within this State, and allowing process to be issued in any county through which such railroad passes, and allowing railroad companies to change their roads, under certain restrictions.	592	592, 629, 827	399	447
10	An act to provide for the approval of official bonds in cases not now provided for by law.	301	301, 362, 399	359	385
11	A bill to amend the second section of an act entitled "an act to incorporate the Cannellton Paper Mill," approved February 15, 1848.	297	297, 358		
15	An act allowing the clerk and sheriff to appoint judge of the court of common pleas.	136	136, 145		
21	An act to appraise the real estate of the State of Indiana, and to make such appraisement uniform throughout the State.	369	369, 377, 507, 535, 598, 636, 637, 642 [668, 669]	669	694, 713
23	An act for the removal of the old building on the Governor's Circle, in Indianapolis, and for the improvement of the same.	371	371, 377, 378, 413, 451	452	455
24	An act touching the laying out and vacating of towns, streets, alleys, public squares and grounds, or any part thereof, the making out and recording of plats of such towns, and providing for the change of the names of such towns, approved Feb. 12, 1855.	297	297, 363, 502, 537	537	557
26	A bill to amend the 8th section of an act entitled "an act providing for the election and presiding certain duties of county surveyors," approved June 17, 1852.	136	136, 145, 254		
46	An act for the improvement of agriculture, and to enable persons owning swamp or overflowed lands, to drain the same.	511	511, 534, 621	621	670
51	An act to provide for and regulate the inspection of tobacco throughout the State.	279	279, 280, 285, 325	325	344
52	An act to amend the 31st section of an act entitled "an act dividing the State into counties, defining their boundaries, and declaring the jurisdiction of such as border on the Ohio and and Wabash rivers," approved June 7, 1852.	496	496, 625		

# BILLS OF THE HOUSE—Continued.

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Number.	TITLES.	Other Proceedings.			
		Reported from House.	Proceedings thereon.	Passed Senate.	
56	A bill to provide for the protection of wild game, defining the time within which the same may be taken and killed, and declaring the penalty for the violation of this act.....	568	508, 519, 535, 536	536	556
57	A bill legalizing the acknowledgment of deeds and mortgages, and other instruments required to be regularly taken and certified by justices of the peace, to whom commissions have been regularly issued by mistake, before the expiration of the term of office of their predecessors.....	999	999, 363, 398	398	427
59	An act legalizing the acknowledgment of deeds, mortgages, and other instruments required to be recorded, taken and certified by the clerks of the circuit courts of this State, after the recaption of the Revised Statutes of 1852, in their respective counties.....	498	498, 626		
66	An act for the investment and safe-keeping of the school fund, from the 114th section of "an act establishing a State Bank," approved January 28, 1834.....	586	586, 638, 649, 670		
68	An act to amend section 136 of an act, entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the courts of this State; to abolish distinct forms of actions at law, and to provide for the administration of justice, in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.....	499	499, 627, 664, 665		
70	An act to amend the 6th, 7th, 19th and 20th sections of an act entitled "an act regulating the granting of divorces, nullification of marriages and decrees, and orders of court incident thereto," approved May 13, 1852.....	302	302, 360, 387	380	
71	A bill to change and fix the time for holding the several circuit courts in the third judicial circuit.....	589	589, 630		
75	An act to amend the 23d section of an act entitled "an act concerning trespassing animals and partition fences,".....	296	296, 362, 557, 619	619	642
76	An act to authorize the board of county commissioners to allow a compensation to circuit judges, or other persons duly authorized, for holding adjourned or special sessions of their court, and to give a speedy public trial to all persons who may be charged with felony in this State, and imprisoned therefor in the county jail.....	588	588, 630		
77	A bill to amend the 1st section of an act, entitled "An act to incorporate the Cannelton Paper Mill;" approved Feb. 15, 1848.....	301	301, 412, 454	454	477
80	An act prescribing for running railroad trains or locomotives across other railroads without stopping, and to prevent carelessness and accidents in crossing.....	371	371, 378, 413, 448, 536	536	555
81	An act to amend an act, entitled "An act defining misdemeanors, and prescribing punishment therefor;" approved June 14, 1852.....	302	303, 359, 397	397	427

87	An act to provide for the greater security of the funds of the State entrusted to the management of the Agent of State, prescribing certain additional duties for the Auditor and Agent of State, and imposing certain penalties for the neglect thereof.....	591	592, 602, 714	618	683
88	An act for the incorporation and continuance of building, loan and savings associations.....	499	499, 581, 594, 618		
90	An act entitled "An act to amend the first section of an act prescribing the powers and duties of Auditor of State,".....	496	496, 626		
95	An act to provide for the safe keeping of the public money, and of bonds, and other securities entrusted to the care of certain officers.....	299	300, 329, 340, 546, 547		
98	An act to empower railroad companies organized under the general law of the State, to surrender their franchises, pay off their liabilities, and dissolve their corporations.....	655	655, 803		
100	An act to amend sections 1 and 6 of an act, entitled "An act in relation to applying certain funds therein named to the payment of the public debt," approved June 18, 1852.....	658	658		
104	A bill to repeal section 10 of an act, entitled "An act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of judges thereof," approved June 11, 1852.....	300	301, 354, 700		
105	An act to provide for the sale of school lands in cases therein mentioned.....	498	498, 626		
106	An act to provide for the distribution of the German edition of the revised Statutes of 1852, among the several counties of the State.....	298	298, 363, 375		
108	An act authorizing the appointment of special administrators and prescribing their duties in certain cases.....	298	298, 340, 353, 402	402	427
109	An act to amend the 24th section of an act, entitled "An act regulating descents, and the apportionment of estates," approved May 14, 1852.....	379	379, 387, 412, 452, 453, 602		
111	A bill to provide for the annexation of incorporated towns, to incorporated cities, and for the consolidation or union of incorporated towns and incorporated cities.....	296	296, 353	353	385
115	An act declaring what a seal is in contemplation of law, requiring deeds of conveyance to be sealed, and declaring the meaning of such laws.....	379	379, 386, 417, 418, 453	453	
117	An act to amend the 9th section of an act, entitled "An act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855.....	370	370, 377, 546, 622		
118	An act to enable the common councils of the several incorporated cities of the State, to prescribe by ordinances, the time within which the annual assessment for city purposes shall be made, and the rolls thereof returned, and the time within which the city tax rolls or duplicates shall be made and delivered to the collecting officers, and, also, the time within which such collecting officers shall make their returns.....	496	496, 625, 665, 802	802	809
120	An act to repeal the 13th and 20th sections of an act, entitled "An act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852.....	299	299, 360		
121	An act to change the time when the State Superintendent of Public Instruction shall enter upon the duties of his office.....	299	299, 363		
122	An act to amend the 49th section of an act, entitled "An act to provide for the opening, vacating and change of highways," approved June 17, 1852.....	509	509, 628		
125	An act to vest certain rights in married women, whose husbands have left the State without making suitable provision for their maintenance, or whose husbands are confined in the State Prison.....	300	300, 359, 853, 402	403	591, 618
128	A bill to cure defective sales made by executors or administrators, where the heirs have been notified by publication or summons.....	300	300, 360, 397	397	427
129	An act to provide for the government and discipline of the State Prison, and to repeal "An act for the government and discipline of the State Prison," approved March 3, 1855, and all other laws, or parts of laws inconsistent herewith.....	380	380, 386, 411, 549, 615	615	620, 670

# BILLS OF THE HOUSE.—Continued.

Number.	TITLES.	Reported from House.	Proceedings thereon.	Passed Senate.	Other proceedings.
132	An act to amend an act, entitled "An act declaratory of the law of marriages, and enforcing the provisions thereof by proper penalties;" approved March 5, 1852.....	301	301, 362, 420, 453	453	
134	An act to amend the 1st section of an act, entitled "An act to provide for the incorporation of bridge companies;" approved March 9, 1852, so as to authorize bridge companies to construct embankments across low bottoms, receive toll and obtain the right of way.....	512 370	512, 628, 632, 696 370, 377, 601, 726	696	726
138	An act to authorize the issuing of executions in certain cases.....				
148	An act to amend the 1st section of an act, entitled "An act concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legerdemain;" approved June 13, 1857, and for the encouragement of agriculture.....	509	509, 627, 634, 728	728	751, 798
150	An act to regulate the business of insurance companies not incorporated by the State of Indiana, to punish violations of its provisions, and to repeal all previous enactments in regard to such companies.....	510	510, 628, 632, 719, 720		
152	An act to fix the time for holding the circuit courts in the first judicial circuit, and repealing all former laws in conflict therewith.....	379	379, 386, 394	394	427
153	An act to amend "An act regulating the fees of officers, and repealing all former acts in relation thereto;" approved March 5, 1855.....	379	379, 386, 393	393	427
156	An act for the relief of John M. Shury.....	509	509, 628		
160	An act to provide for the support of the indigent blind, and other infirm persons.....	379	379, 386, 393	393	427
162	A bill for the creation of townships, election of trustees, and mode of assessing township tax and doing township business.....				
165	An act to amend section 2 of an act, entitled "An act to change the time of holding courts in the eleventh judicial circuit....."	585	585, 628, 647, 648		
166	An act to legalize the acts of the board of trustees of the town of Mishawaka.....	301	301, 350	350	377
167	An act to apportion Senators and Representatives for the State of Indiana.....	379	379, 386, 394	394	427
169	An act to amend an act, entitled "An act to provide for the erection and repair of bridges," and to repeal an act, entitled "An act for the erection and repair of bridges;" approved March 3, 1855.....	538	538, 539, 607, 652, 702		
175	A bill proposing to amend the 2d section of article 2 of the constitution of the State of Indiana.....	379	379, 386, 538, 621	621	654
176	An act to repeal an act to incorporate the town of Vernon.....	590	590, 630		
177	An act to authorize the empennelling of petit juries in the court of common pleas, and to repeal an act therein named.....	496	496, 626		
178	An act to prevent the emigration of voters from one county in this State to another, for the	509	509, 625, 664		

179	purpose of influencing or carrying the election in such other county, and prescribing penalties against persons aiding, abetting, counseling or engaged therein.....	500	500, 637, 642, 643	643	683, 683
181	An act to equalize the salaries of the judges of the Supreme Court.....	499	499, 627		
	A bill to amend section 321 of an act, entitled "An act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.....	590	590, 663		
183	An act to amend section 68 of an act, entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17, 1852.....	496	496, 626		
184	An act to amend section 8 of "An act providing for the election of clerks of the circuit courts, and prescribing some of their duties," approved June 7, 1852.....	590	590, 662		
185	An act to relieve Nathan Rowley, of Vanderburgh county, from the consequence of certain legal proceedings had, and a judgment rendered in the Vanderburgh circuit court, at the September term of said court, in the year 1857, in an action wherein the State of Indiana, on the relation of Brackett Mills, school commissioner, was plaintiff, and the said Nathan Rowley, former school commissioner, and sundry other persons, his sureties as such, were defendants.....	507	507, 638		
186	An act to amend the second section of an act entitled "an act prescribing the duties and fixing the compensation of State Agent," approved June 17, 1852.....	379	379, 387, 403	403	427
188	An act to amend section four of an act entitled "an act prescribing the powers and duties of coronors," approved May 27, 1852.....	499	499, 626		
192	An act to amend section 315 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings, forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a more uniform mode of pleading and practice, without distinction between law and equity,".....	500	500, 626, 631		
199	An act to authorize the State of Illinois to maintain the Calumet feeder dam, and securing the use of the waters of the Calumet river, and providing the manner of assessing damages sustained by the citizens of Indiana by the erection thereof, and regulating draining of swamp lands adjacent to the Calumet river, in the State of Indiana.....	646	646, 647, 667, 698, 711	711	750, 798
209	An act to amend the first section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and for the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852, so as to exempt certain property therein named from Taxation.....	585	585, 662, 664		
210	An act to amend the 26th section of an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing for the compensation of the judges thereof," approved May 14, 1852.....	656	656, 714, 744	744	809
211	An act authorizing the recording of patents for lands, and making certain records evidence, and allowing recorders for recording the same.....	569	569, 628		
213	A bill to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities; to prescribe their powers and rights, and the manner in which they shall receive the same; and to regulate such other matters as properly pertain thereto.....	699	699, 610, 714, 747	747	809
221	An act to reduce the width of the Michigan Road, lying between Indianapolis and Logansport, from one hundred to sixty feet.....	585	585, 662, 664		
224	An act for the relief of persons who have borrowed money from the sinking fund of the State.....	512	512, 628, 702	703	750

# BILLS OF THE HOUSE.—Continued.

876

Number.	TITLES.	Reported from House.	Proceedings thereon.	Passed Senate.	Other proceedings.
2225	An act to provide for the distribution of the surplus copies of the Revised Statutes of 1852, printed in the German language.....	500	500, 627		
2234	An act supplemental to an act entitled "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof;" approved March 5, 1855.....	657 645	657, 862 645, 648, 619, 650, 651, 658, 659, 690 [691, 692]	692	
2237	A bill to regulate the sale of spirituous, vinous, malt or intoxicating liquors.....	592	592, 663		
2241	An act to establish forms in criminal proceedings, and to declare valid the use of such forms heretofore.....	592	592, 629, 634	634	670
2242	An act to enable the different counties in the State having a swamp land fund, to ascertain and use the amount thereof for the purpose of ditching the swamp lands therein.....	592	592, 629, 634		
2246	An act to repeal the repealing clause of section 57 an act entitled "an act for the incorporation of insurance companies, defining their powers and prescribing their duties," approved June 17, 1852; and to renew the act incorporating the Madison Insurance Company.....	718	718, 733, 734	734	810
2247	An act supplemental to "an act concerning county prisons," approved May 27, 1852, and to authorize the establishment of work-houses, and the confinement of certain persons therein at labor.....	657	657		
2251	A bill to legalize the collection of taxes made during the year 1856, in conformity with an act entitled "an act to appraise the real estate of this State, and to make the value of the same equal and uniform throughout this State;" approved Feb. 13, 1851.....	587	587, 662		
2263	An act declaring John O'Brien a brother of Michael O'Brien deceased, and the children of the deceased heirs at law of the said Michael O'Brien deceased, and capable of inheriting his real estate in Indiana.....	586	586, 629, 630, 715		
2267	A bill to enable railroad companies to alter the line of railroads, when sufficient stock cannot be raised to complete the same according to the original design thereof.....	588	588, 630, 635, 696	697	697, 727, 728, 751, 799
2270	An act to amend section 6 of an act, entitled "An act to incorporate the St. Joseph Iron Company," approved Jan. 22, 1855, and to repeal of said act sections 7, 8, 9, 10, 11 and 12, whereby said company will be released from the obligation to keep up and maintain a lock at their dam on the St. Joseph River at Mishawaka.....	587	588, 630		
2271	An act to amend an act, entitled "An act to incorporate the South Bend Manufacturing Company," approved Dec. 25, 1842, so as to repeal so much of section 7 of said act as requires said company to keep up and maintain a lock at the dam on the St. Joseph River.....	588	588, 630, 658		
2272	An act to prevent market-houses from being built upon the streets of towns and cities, without				



282	the consent of two-thirds of the owners of the lots on such streets, and to authorize the removal of the same.....	585	585, 629, 701	702	727
284	A bill to amend the 48th section of the general banking law of Indiana, and to declare the meaning of said section.....	589	589, 661, 665		
285	An act authorizing all persons to travel upon Plank, McAdams and Gravel roads, free from toll, in going to and returning from church or public worship on the Sabbath day.....	590	590, 663		
287	An act to repeal certain acts therein named.....	718			
290	An act to provide for the better protection of the rights and interests of the inhabitants of the town of Clarksville, and to repeal an act therein named.....	657	657		
294	A bill to enable the several chartered cities and incorporated towns of this State to construct water-works.....	657	657		
295	An act to provide for the assessment and taxation of lands and real estate belonging to railroads, plank road, or other incorporated or joint stock company.....	588	588, 662		
305	A bill to amend section first of an act entitled "An act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes," approved May 20, 1852.....	656	656		
306	An act to change the time of holding the circuit court's in the tenth judicial circuit, and to extend the length of the term of said court in Allen county, and providing additional compensation to the judge thereof.....	591	591, 662, 714, 746	747	809
308	An act to amend section 22, and to repeal sections 33, 34 and 35 of an act, entitled "An act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State;" approved June 21, 1852.....	718	718		
314	A bill relative to the printing, binding and distribution of the session acts, House, Senate and Documentary Journals, declaring who shall be entitled to a copy of the same, authorizing the Secretary of State to dispose of copies of acts by sale, when called for, and allowing such Secretary a compensation for superintending such printing, binding and distribution.....	656	656, 698, 699	699	797
315	A bill to authorize the formation of new counties, and to change county boundaries.....	718	718, 719, 748	748	798
320	A bill concerning promissory notes, bills of exchange, bonds, or other instruments in writing, signed by any person who promises to pay money, or acknowledge money to be due, or to perform any obligation therein contained, making the same negotiable by endorsement thereon, regulating recovery under the same, damages, charges, rate of exchange, days of grace, and other matters pertaining to the value, transfer and collection of such instruments	718	718, 719		
326	An act providing for transfer of scholarships in the Indiana University, for valuable consideration.....	588	588, 629, 712	712	750, 804, 809
333	An act to raise revenue for State purposes for the years 1857 and 1858.....	586	586, 661, 662, 677, 678, 679 to 702		
333	A bill to authorize the Treasurer of State to buy for the State, land sold on execution or by order of court, and to sell the same and execute deeds therefor, and to legalize purchase and sales already made in similar cases.....	587	587, 610, 611	611	641
344	A bill supplemental to an act, entitled "An act to provide against the consequences likely to ensue from the destruction of books, pamphlets, records or other writings of any county in this State, or any circuit, probate, commissioner, or any other inferior court of record there in, or held with, or in the legal custody of any officer of any county in this State, and to provide for the perpetuation of testimony relative to the same; and requiring new official bonds to be given in cases where the bonds of officers, executors, administrators, and guardians have been destroyed;" approved January 12th, 1852.....	657	657		
	An act to amend section 5 of an act, entitled "An act regulating the fees of officers, and repealing former acts in relation thereto;" approved March 2, 1855.....	657	657		

# BILLS OF THE HOUSE.—Continued.

Number.	TITLES.	Reported from House.	Proceedings thereon.	Passed Senate.	Other proceedings.
352	A bill to amend section 56 and 74 of an act entitled "an act to fix the time of holding the courts of common pleas, and the length of the terms thereof in the several counties of this State, and repealing the former laws in reference thereto;" approved March 3, 1855.....	718	718		
360	An act making general appropriations for the years 1857 and 1858.....	718	718		
363	An act respecting the 4th section of an act, entitled "An act to regulate the mileage of sheriffs in conveying convicts to the State Prison, and county treasurers making deposits, and in their settlement with the Treasurer and Auditor of State, and the mileage of members of the General Assembly....."	749	749, 750	750	810
		736	736, 737, 738, 739, 740, 741, 742, 743	821	823, 824
364	A bill making specific appropriations for the year A. D., 1857.....	729	729, 730, 731, 732, 734, 735	735	736, 737
729	A bill to apportion senators and representatives for the next four years.....				

# JOINT RESOLUTIONS OF THE SENATE.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed Senate.	Passed House.	Other proceedings.	Approved.	By whom introduced.
1	A joint resolution on the subject of printing the statutes .....	192	229	329	799		826	Cravens.
2	A joint resolution in regard to Lieutenants Maury and Noble .....	279	291, 351					McCleary.
3	A joint resolution authorizing the Superintendent of Public Instruction to dis- tribute the balance of the school funds in the treasury, and directing the proper officers to disburse the same .....	291	291, 328	329				Robbs.
4	A joint resolution concerning section 2, of article 2, of the constitution of the State of Indiana .....	315	326, 529, 689					Sage.
5	A joint resolution in relation to printing the Revised Statutes in German .....	320	369, 290, 401, 402					Fisk.
6	A joint resolution to authorize the Superintendent of Public Instruction to fur- nish the penitentiary with one township library .....	334	367, 400, 401	401				Crane.
7	A joint resolution in favor of the admission of Kansas as a Free State into the Federal Union .....	606	659, 660, 716, 717					March.
8	A joint resolution on the subject of negro slavery, and the colonization of negroes and their mixed descendants, slave and free .....	606						Wallace.
9	A resolution directing the Auditor of State to take possession of University Square, Indianapolis .....	606	650					Robbs.

# JOINT RESOLUTIONS OF THE HOUSE.

Number.	TITLES.	Reported from House.	Proceedings thereon.	Passed Senate.	Other proceedings.
1	A joint resolution declaring it unconstitutional and impolitic for the State to purchase the Wabash and Erie Canal .....	371	371, 376, 399	399	454
4	A joint resolution on the subject of the tariff .....	136	136, 146	146	147, 151
11	A joint resolution relative to the distribution of the arms by the general government among the States .....	500	627, 638		
16	A joint resolution in reference to the public property of the State.....	587	587, 629		
21	A joint resolution for the relief of Henry P. Rowan, swamp land treasurer of Pulaski county .....	654	654, 655, 697, 698	698	726

# RESOLUTIONS OF THE SENATE.

## SUBJECT MATTER OF.

Introduced.	Movers' Names.	Proceedings thereon.	Adopted.
Permitting reporters to occupy seats within the bar of the Senate.....	Drew .....	5, 6, 7, 8	5
To swear in Stanley Cooper as Senator from Kush county.....	Murray .....	8, 9, 18, 96	8
To adopt the rules and regulations of the Senate of 1853 and 1855 .....	Drew .....	9, 10, 11	11
To go into the election of officers of the Senate.....	Suit .....		14
Informing the House of the organization of the Senate.....	Murray .....		14
To adjourn till next morning.....	Drew .....		16
To instruct the doorkeeper to procure journal of the last Senate, joint rules, &c.....	Gooding .....		
To appoint a committee to contract for certain newspapers.....	Stevens .....	16	
Instruction the doorkeeper to contract for certain newspapers.....	Murray .....		16
Directing the Treasurer of State to furnish money to buy postage stamps.....	Murray .....	16	16
Appointing a committee to ascertain at what time the Governor will deliver his message.....	Gooding .....		17
Appointing a committee to solicit a minister of the gospel to open the Senate with prayer.....	Gooding .....	20	17
To adjourn the Senate at noon.....	Gravens .....		17
Authorizing doorkeeper to employ assistants.....	Crane .....	20, 21	21
Authorizing principal and assistant secretaries to employ assistants.....	Crane .....	21	21
Directing the President to certify to the claim of C. G. Warner and others.....	Suit .....		22
Appointing the standing committees.....	Murray .....	30	31
Requesting judiciary committee to inquire into the expediency of amending the interest law.....	Eusey .....		33
Requesting Auditor of State to furnish statement of mortgage funds belonging to State University, &c.....	Tarkington .....		33
Instruction judiciary committee to inquire into the right by which Leroy Woods holds his seat.....	Suit .....		34
Requesting Governor to furnish information of fraud in obtaining charter of bank of the State.....	Hoselder .....		34
Instruction judiciary committee to examine into authority of Supreme Judge to administer oaths of the bench.....	Wallace .....		34
Concerning swamp land frauds.....	Parker .....		34
To go into joint convention to witness opening of returns of election for Governor.....	Wallace .....	35	
Tendering thanks to Lieut. Governor Willard.....	Suit .....		35
To adjourn to a certain hour.....	Gravens .....		40
Concerning the resolution of the House inviting the Senate to witness the count of vote for Governor.....	Gravens .....		
Instruction the committee on education to inquire into the expediency of amending the school law.....	Johnston .....		50
Requesting the House to furnish copies of Gov. Wright's message and Gov. Willard's inaugural.....	Hargrove .....	50, 73	
Authorizing judiciary committee to employ a clerk.....	Murray .....		74
To inquire into the power of the General Assembly to define by law the requisites constituting a residence.....	Gooding .....		74
Calling on Secretary of State for statement concerning swamp lands.....	Green .....		74
Authorizing committee on education to employ a clerk.....	Hobbs .....	74	74
Authorizing committee on elections to employ a clerk.....	Suit .....		74

# RESOLUTIONS OF THE SENATE. — Continued.

## SUBJECT MATTER OF.

SUBJECT MATTER OF.	Introduced	Movers' Names.	Proceedings thereon,	Adopted.
Instructing judiciary committee to inquire into the election and qualification of A. A. Hammond as Lieut. Governor.	75	Sage .....	75, 76	76
Protecting against proceedings in organizing the Senate.	77	Hefren .....	78	
Concerning an amendment of the interest law.	79	Cravens .....		79
Concerning recorders' and county surveyors' fees as a lien upon lands.	80	Johnston .....		80
Inquiring into the expediency of abolishing the common pleas court.	80	Griggs .....		80
Inquiring into the expediency of amending the school law.	80	Hendry .....		80
Concerning the disbursement of school tax.	80	Drew .....		80
Authorizing the doorkeeper to procure chairs.	81	Stevens .....		81
To print 2,000 copies of Governor's message, and Governor Willard's inaugural address.	85	Sage .....	85	85
To print Governor's message in German.	85	Drew .....	85, 86	86
To print 100 copies of the standing rules.	86	Richardson .....		86
To refer communication from the Governor to the committee on the State Library.	86	Yaryan .....		86
Inquiring into the expediency of appropriating money for a geological survey of the State.	86	Ensey .....	92	86
Concerning the collection of taxes on real estate belonging to railroads and other corporations.	86	Miller .....		86
Inquiring into the expediency of repealing all valuation and appraisement laws.	87	Yaryan .....		87
Proposing to go into the committee of the whole on the Governor's message.	87	Freeland .....		
To inquire into the expediency of adopting uniform rules in fees and salaries made up by court.	87	Johnston .....		87
Proposing to go into joint convention to elect State Librarian.	87	Hefren .....	87, 88	
Proposing to elect John B. Dillon State Librarian.	90	Murray .....	95	95
Inquiring into the expediency of amending school law, so as to abolishing office of State Superintendent, &c.	100	Stevens .....		100
Proposing to elect State Librarian by joint ballot.	101	Gooding .....	101	
Calling on judiciary committee for information concerning the case of Leroy Woods.	101	Wallace .....	101	
Inquiring if any law is in force to compel the draining of sloughs or swamps.	102	Hill .....		
Concerning the abolishing of township assessors.	102	Tarkington .....		
To adjourn over.	105	Parker .....		
Calling on Auditor of State for amount of circulation of the Gramercy Bank.	107	Hefren .....		107
As to the expediency of giving common pleas courts certain jurisdiction.	107	Richardson .....		107
Requiring from Auditor of State immediate report on the condition of the Gramercy Bank.	108	Wallace .....		108
Directing doorkeeper to furnish reports of State officers.	108	Rugg .....		108
Touching the abolishing of the township system.	108	Tarkington .....		108
To inquire if the act of 1853 organizing supreme court was passed without a quorum in either House.	108	Wallace .....		108
To adjourn over.	113	Murray .....		113
To adjourn over.	120	Freeland .....		120
To appoint a committee on bank frauds.	120	Hostetler .....	120	121

To send for persons and papers in the case of contested seat of Hugh Miller.....	121	Tarkington.....	131
Calling on Secretary of State for the amount of books and stationery provided for his office.....	131	Wallace.....	131
As to the expediency of reducing the number of judicial circuits.....	131	Hosletter.....	131
Inquiring if the State is liable for the circulation of the free banks.....	131	Sage.....	131
As to the expediency of distributing school funds in April.....	131	Rice.....	131
Concerning the expediency of abolishing the plan of selecting petit jurors.....	132	Tarkington.....	132
Concerning the appropriation of a township library to State Prison.....	132	Woods.....	132
Calling for Attorney General's opinion as to State's liability for issues of Grumery Bank, &c.....	132	McLean.....	132
To procure chair for the President.....	132	Weir.....	132
Calling on Doorkeeper why public documents are not delivered for distribution.....	137	Hosletter.....	137
To adjourn over.....	137	Murray.....	137
To provide J. W. Howard, reporter, with desk.....	137	Sage.....	137
Calling for list of foreign insurance companies, &c.....	143	McLean.....	143
Concerning the equal distribution of assets in cases of assignment.....	144	Stevens.....	144
To report a bill subjecting bonds filed for bank issues to attachment.....	144	Freeland.....	144
To adjourn over.....	144	Suit.....	147
In relation to swamp lands.....	152	Green.....	152
Directing Auditor to furnish information concerning swamp lands.....	152	Green.....	152
Inquiring the amount of school fund paid in each county.....	152	Hedden.....	152
Inquiring into the expediency of providing by law against the issue of unauthorized paper money.....	153	Hargrove.....	153
Concerning the formation of limited partnerships.....	153	Weir.....	153
To subscribe for certain newspapers.....	153	Wallace.....	153
To discharge the select committee on rules.....	153	Murray.....	153, 154
To authorize committee on elections to sit during the sitting of the Senate.....	153	Suit.....	153
Requiring Doorkeeper to mail letters by certain hour.....	159	Sage.....	159
To prohibit Senators from speaking more than once to the same question.....	161	Green.....	161
To adjourn over.....	172	Cravens.....	172
Appointing a committee on the better heating of the Senate chamber.....	175	Murray.....	176
Authorizing the committee on bank frauds to employ a clerk.....	176	Hedden.....	176
Inquiring if the charter of the Bank of the State is susceptible of repeal.....	176	Robbs.....	176
Calling for names of original stockholders in the new bank, &c.....	176	Wallace.....	176
Soliciting Attorney General's opinion of the validity of criminal code.....	176	Freeland.....	176
Instructing committee on finance to report bill for the purchase of outstanding bonds, &c.....	182	Fisk.....	182
Inquiring into the expediency of abolishing the common pleas court.....	183	McLean.....	183
Proposing to elect Canal Trustee, State Agent, and State Librarian.....	190	Gooding.....	190
To grant use of Senate chamber to Mr. Fowler.....	192	Weir.....	192
Authorizing committee on swamp lands to employ a clerk.....	192	Robbs.....	192
Concerning the right of naturalized citizens to inherit real estate, &c.....	192	Suit.....	192, 272, 345, 349
Declaring it inexpedient to elect U. S. Senators and other officers.....	193	Fisk.....	193
Proposing to elect State Agent, &c.....	194	Gooding.....	194
To elect State Agent at a certain time.....	194	McLean.....	195
To go into election of U. S. Senators.....	196	Richardson.....	196
On the subject of licensing caravans, &c.....	196	Cravens.....	197
Declaring a certain mode of electing U. S. Senators legal.....	197	Sage.....	197
Forbidding further resolutions on the subject of joint convention, &c.....	197	Suit.....	197
To compensate H. M. Graham, for services.....	198	Johnston.....	198
Concerning plats and field notes made by surveyors.....	198	Cravens.....	200
Disclaiming any knowledge of joint convention held January 12, &c.....	201	Bears.....	201
To allow J. B. Fulwiler compensation for certain service.....	201		

# RESOLUTIONS OF THE SENATE — Continued.

## SUBJECT MATTER OF.

Introduced.	Movers' Names.	Proceedings thereon.	Adopted.
Concerning the exemption of \$500 to families of deceased persons.....	Stevens.....		201
To distribute documentary journal to township libraries.....	Friedland.....		201
To adjourn over.....	Suit.....	221	221
Authorizing finance committee to employ clerk.....	March.....		221
To expunge portions of the Journal.....	Heffren.....	223, 228, 310, 311, 312	223
To adjourn over.....	Weir.....	229, 236	229
To appoint committee to investigate condition of Auditor of State's office.....	Weir.....	270	270
On the subject of licensing the sale of liquors.....	Cravens.....		271
Calling for report on Senate bill No. 42.....	Weir.....		271
To compensate D. Patton, for certain services.....	Heffren.....		271
On the subject of erecting building for State offices.....	Weir.....	272	271
To purchase reports of Supreme Court.....	Griggs.....	277	271
Concerning the delivery, by Auditor of State, of securities in his hands, &c.....	Heffren.....		277
To prevent destruction of sheep by dogs.....	Heffren.....		277
Concerning the ousting of Leroy Woods.....	Kinley.....		277
Calling for reports on contested seats.....	Slater of Johnson.....		277
To prevent a wanton destruction of birds.....	Gooding.....	277, 278, 350	279
To call the Senator from Clark for his vote.....	Hill.....		285
Calling for report on bank frauds.....	Crane.....	285	285
To let State printing to lowest bidder.....	Tarkington.....		286
Appointing committee to examine the condition of State Treasury.....	Rice.....		286
To require county auditors to subscribe for School Journal.....	Brown.....	290	286
On the subject of obstructing highways by trains of cars.....	Chapman.....		286
Concerning weights and measures.....	Johnston.....		286
On the condition of the school funds.....	Rugg.....		286
To print reports in case of contested seat of Hugh Miller.....	Dobbs.....		286
Granting committee leave of absence.....	Suit.....		287
To adjourn <i>à la</i> at certain time.....	Sage.....	287	287
Inquiring if the Senate can elect its own printer.....	Heffren.....		287
To assess road tax on lands per acre.....	Stevens.....		287
To adopt a joint rule.....	Parker.....		288
To adjourn over.....	Heffren.....	308	288
To increase the general levy for school purposes.....	Bearss.....		308
Concerning a law authorizing administrators to bring suit in certain cases.....	Heffren.....		308
	Hendry.....		308
	Hosetier.....		308



To provide township library for the Deaf and Dumb Asylum.....	309	Crouse .....	309
To furnish reports with public documents .....	309	Tarkington .....	309
Authorizing committee on swamp lands to send for persons and papers.....	309	Parker .....	309
Concerning the use of tobacco by minors.....	309	Hill .....	309
To reduce county Treasurer's fees, &c.....	309	Kinley .....	309
To prohibit public officers from loaning funds.....	309	Helfren .....	309
To refer part of Governor's message to committee.....	310	Bobbs .....	310
Enquiring if any Senators are tainted with African blood .....	313	Helfren .....	313
To procure postage stamps .....	314	Helfren .....	314
Appointing committee to examine complaints against canal officers.....	314	Crane .....	314
To provide funds to sustain schools throughout the year .....	314	Drew .....	314
Calling on committee for a bill .....	314	Sage .....	314
To print certain reports .....	314	Tarkington .....	314
Concerning township clerks, &c .....	314	Miller .....	314, 449
As to the sale of real estate on execution .....	320	Sage .....	320
Authorizing committee to employ an assistant sergeant-at-arms .....	320	McClure .....	320
To distribute German revised statutes .....	320	Rice .....	320
To diminish the number of courts of common pleas .....	322	Griggs .....	322
To establish a surrogate court, &c.....	331	Weir .....	331
Concerning fugitives from justice .....	332	McClure .....	332, 333
As to establishing a House of Refuge .....	333	Parker .....	333
To distribute State documents to township libraries.....	333	Stevens .....	333
Concerning impositions in the State printing .....	334	Bobbs .....	334
Appointing committee to examine books of Agent of State .....	334	Kinley .....	334
To adjourn over.....	335	Yaryan .....	335
Calling for a bill on the subject of temperance .....	340	Sage .....	340
Concerning patients in Insane Hospital.....	340	Green .....	340
Concerning the circulation of State Banks.....	341, 343	Green .....	341, 343
On the subject of the Free Banks .....	347	Fisk .....	347
Concerning the term of office of Superintendent of Public Instruction .....	347	Brown .....	347
To amend the road law.....	348	Bobbs .....	348
To adjourn over.....	348	Ensley .....	348
In relation to swamp lands.....	361	Helfren .....	361
Calling for number of cases on docket of supreme court.....	371	Murray .....	371
Soliciting report as to condition of Sinking Fund.....	372	Murray .....	372
Donating postage stamps to clerks and doorkeepers.....	372	Green .....	372
To adjourn over.....	373	Green .....	373
Concerning the redemption of bonds.....	376	Suit .....	376
Authorizing committee to employ a clerk.....	376	Drew .....	376
Referring to the claim of Wm. Compton .....	376	Blair .....	376
Concerning hearsay evidence before committee on bank frauds.....	376	Murray .....	376
Relating to the jurisdiction of justices.....	381	Helfren .....	381
Proposing an amendment to the school law.....	381	Sage .....	381
Referring to claims of J. Peerce and H. Nishit.....	384	Kinley .....	384
To allow parties to a civil action to testify .....	387	Helfren .....	387
To require railroad companies not to employ drunken engineers, &c.....	392	Ensley .....	392
Touching a change in the mode of transacting township business.....	392	Hosetler .....	392
	396	Suit .....	396
	420	Gooding .....	420
	420	Hill .....	420
	420	Miller .....	420

# RESOLUTIONS OF THE SENATE—Continued.

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SUBJECT MATTER OF.		Introduced.	Movers' Names.	Proceedings thereon.	Adopted.
Calling for copy of proceedings on trial of W. C. Larrabee	.....	421	Griggs	.....	421
Appointing a committee in relation to swamp lands	.....	448	Green	449	448
Relating to the Acts of 1855	.....	449	Hendry	.....	449
Making certain inquiries of State Printer	.....	452	Suit	[479, 480	452
To declare Leroy Woods a Senator	.....	456	Johnston	457, 469, 476, 477, 478	
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## ERRATA.

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- Page 87, twenty-second and twenty-eighth lines, read "resolutions" for "joint resolutions."
- Page 91, eleventh and twenty-fifth lines, read "country" for "county."
- Page 95, fourth line, read "resolution" instead of "joint resolution."
- Page 104, eighth line, should be "third" instead of "second."
- Page 121, ninth line, read "by" for "and."
- Page 145, seventh line, should be "Senate" instead of "House."
- Page 183, ninth line from bottom, read "Senate" for "House."
- Page 185, fifteenth line, read "36" for "31."
- Page 225, for "rules" read "rule," in fourth line.
- Page 253, fifth line from bottom, read "2" for "52."
- Page 280, eighth line, read "59" for "57."
- Page 285, sixth line, read "read a third time to-morrow" for "engrossed."
- Page 331, fifteenth line, read "Setzer" for "Leitzer."
- Page 451, eleventh line from bottom, read "23" for "33."
- Page 510, ninth line from bottom, read "61" for "161"
- Page 521, first line, read "51" for "50."
- Page 542, fourth line from bottom, read "third" for "second."
- Page 718, third line from bottom, read "first" and "second" for "second" and "third."

